Cum Grano Salis

A Critique of Fr. Cekada's Position on the "*Una Cum*" Question

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"The innocent believeth every word: the discreet man considereth his steps."
Prov. xiv. 10

Version I

Introduction

The study "The Grain of Incense: Sedevacantists and *Una Cum* Masses" by the Rev. Anthony Cekada† is considered by many to be the definitive answer to the question of whether or not it is permissible to assist at a Mass during which the celebrant prays for Prevost as "Thy servant, our Pope Leo" and the local Conciliar bishop as "our Bishop." Often, when objections are raised to the strict "*non una cum*" position, proponents of the same simply point to this study, as well as the other pieces written by Fr. Cekada on the question, as to the air tight and unchallenged explanation of why it is wrong to attend. In this present article, I intend to show how these papers are far from air tight and unable to be challenged.

We shall critique the following:

1. The Grain of Incense;
2. An Ex-Sede, the Motu Mass and Refusing Sacraments;
3. Mass in Union with the "Pirate Pope": Some Questions.

Part I: The Grain of Incense

This paper opens up with two quotes, one attributed to St. Augustine of Hippo (which we shall consider later) and the other attributed to the Rev. Frederick Faber, C.O., which also appears at the conclusion of the paper. The quote is taken from Faber's *The Precious Blood*, published in 1868. In context, Faber is referring to a gift consequent upon possessing a true devotion to the Precious Blood, i.e. a vehement and intelligent hatred of sin. He chastises those who would fail to be charitably truthful to non-Catholics through weakness and a lack of zeal.[1]

The issue with the presentation of this quote is that one is given the impression that one who tolerates the commemoration of the Conciliar hierarchy during the course of the Mass lacks a sense of sacrilege and has a false charity. We will see later if this can be demonstrated, but for now let it suffice to say that Faber's words have nothing at all to do with this.

The first claim in this article is that the first instinct of a sedevacantist "is to seek out a traditional Latin Mass offered by a sedevacantist priest, and to *avoid* traditional Masses where the priest refers to Benedict XVI as a pope." This claim is difficult to prove (although he says that it "should be obvious after about ten seconds of reflection").[2] Fr. Cekada himself in an episode of *Trad Controversies* says that

[1] Frederick William Faber, C.O., *The Precious Blood* (London: Burns & Oates, 1894), 270–271.

[2] This doesn't appear to have been Fr. Cekada's first reaction. In this very article he says:

it took him a very long time to come to this conclusion, one which he originally rejected.[3] Bp. Sanborn also said in his own article on the *una cum* question that for a time he prayed for Wojtyła and commemorated him by name, despite having then been convinced that the Roman See was more probably vacant.[4]

It may be helpful to first clarify some terms.

A **sedevacantist** (from *sede vacante*, literally "the seat being vacant") is a Catholic who believes that the Roman See is currently vacant. Those who espouse this view present diverse reasons for *why* the See is vacant, *how* or *in what manner* it is said to be vacant as well as *for what duration of time* it has been vacant.

Properly or strictly speaking, sedevacantists are those who believe the current claimant to be false and illegitimate due to his inability to be validly appointed to the Roman See, i.e. that he is undue matter for election, chiefly because he is a notorious heretic. In this view, the Roman See is said to be vacant totally, both materially and formally, i.e. both with regard to election (no one currently is validly appointed to it) and with regard to jurisdiction (no one currently possesses Papal power).

Improperly or broadly speaking, those Catholics who adhere to the **Thesis of Cassiciacum**, as formulated by Bp. Guérard des Lauriers, O.P. are also known as sedevacantists, although they are

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> In our lives as traditional Catholics, we make many judgments that must inevitably produce logical consequences in our actual religious practice. The earliest that I remember making occurred at about age 14. Guitar songs at Mass, I concluded, were irreverent. Thereafter, throughout **eight years** in the diocesan seminary, **I never once opened my mouth to sing one.** (bold added)

We will also see later on his account of his time with the SSPX in Switzerland.

[3] Anthony Cekada, interview by Stephen Heiner, "Trad Controversies, Episode 2: The Una Cum Issue," *Member Supported Restoration Radio*, October 26, 2020, audio, 41:45–42:17:

> It took a while as I started looking into these different issues and discussing them with Fr. Sanborn. At first I wasn't convinced, I could kind of see it, but as to whether or not this would be an *absolute* prohibition, I really hadn't come to that conclusion. It took me a while.

[4] Donald J. Sanborn, ICR, "Una Cum: Mass 'in Union with our Pope'?" *Sacerdotium* 6 (Winter 1993):

> I thus accepted to be *una cum* because of the principle that one can act on a probable opinion even though one might be convinced that the opposite opinion is more probable. Even in my *sede plena* days, however, I always felt in my heart that the *sede vacante* position made much more sense. So I was *una cum* in all good though uncomfortable conscience from 1980 to 1983. I simply did not see the intrinsic and essential connection between John Paul II's papacy and the legitimation of the New Church; I did not see the necessary logical link between the rejection of the New Religion and John Paul II's claim to papal authority.

sometimes termed **sedeprivationists** (from *sede privata*, literally "the seat being deprived"), since they believe that the current claimant is only false and illegitimate insofar as he poses an internal obstacle to the possession of Papal power (termed "the habitual communication of Christ's Being-With"), which power he ought to possess, not that his appointment to the See is invalid. Some who adhere to this thesis believe that the current claimant is a notorious heretic[5], others believe that he is an occult heretic[6] and still others believe he is not a formal heretic at all.[7]

The opposite of a sedevacantist is a **sedeplenist** (from *sede plena*, literally "the seat being full"), i.e. a Catholic who believes that the Roman See is currently occupied. Properly or strictly speaking this refers to those who believe the current claimant to be true and legitimate, both with regard to election and with regard to jurisdiction. Improperly or broadly speaking, those who adhere to the Thesis of Cassiciacum are also known as sedeplenists, since they believe the current claimant legitimately occupies the Roman See, although he is in a state of privation with regard to the habitual possession of Papal power. Some in the FSSPX also believe that he is incapable of exercising Papal power, despite habitually possessing it.[8]

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[5] E.g., Donald J. Sanborn, ICR, *Most Holy Trinity Seminary Newsletter*, May 2025, Most Holy Trinity Seminary, 2:

> Then came Ratzinger. He was, as a "theologian," a notorious heretic and the most extreme of the modernists. Yet, he did more damage to the resistance to Modernism than anyone else. He wore red shoes. He wore the red velvet half-cape. He wore beautiful miters. He permitted the Traditional Latin Mass (for modernist reasons). He used an elaborate throne.

[6] E.g., Damien Dutertre, ICR, "On the Canonical Crime of Heresy in Relation to the Thesis," Most Holy Trinity Seminary, October 2022, 32:

> Following the terminology of the 1917 Code of Canon Law, we could say that such a person would be a public heretic, *materially*, but not *formally*. This means that in this case the fact of professing heresy is public and obvious to all, while the pertinacity of the person is not yet evident to all and unable to be contested by anyone. In other words, the pertinacity of the delict is not yet public. Hence the delict is *materially* public, but *formally* occult.

[7] This is commonly affirmed by the members of the *Istituto Mater Boni Consilii* based in Italy.

[8] E.g., Mauro Tranquillo, F.S.S.P.X., "Réponses à certaines questions sur la situation de l'Église," *Courrier de Rome*, no. 607 (February 2018): 4:

> Perhaps the key to all of this resides precisely in the fact that the profession of errors and heresies constitutes in itself an *obex*, an obstacle, to the exercise (and NOT to the possession) of the magisterial power. The exercise of the Magisterium and its degree are the fruit of the voluntary act of the Pontiff when he wishes to teach the Church: the profession of error would systematically render impossible the act of willing such a type of act. In practice it would suffice to shift the discourse from the possession to the use of power, from the level of matter/form to the level of first act/second act, to find a possible way out of the dilemma. The Pope is Pope (therefore the Church continues to exist) but he does not wish to act as Pope (or he cannot, by reason of an obstacle, an impediment, posited by himself: the see is occupied but in some manner impeded): the negligence in positing acts due from the Pontiff, added to the scandal of "publicly saying" heresy, puts the ecclesiastical society into general crisis, without however that being lacking which would permit these acts to be posited.

These terms being clarified, we now present our overall thesis:

A Catholic is obliged by the divine law under pain of grave sin to, at least sometimes, participate in the unbloody Sacrifice of the altar by co-operation or at least by assistance, whether he be a sedevacantist, sedeprivationist or a sedeplenist. His *sensus Catholicus* inclines him to seek out this Sacrifice in order that he may participate in it, without regard for whether or not the minister who offers it be of the same mind as him with regard to the occupancy or vacancy of the Holy See, since this same *sensus Catholicus* tells him that the Church is a *communio fidelium*, not a *multitudo ratiocinantium*.

This is proven by the fact that the first reaction to the Conciliar reforms was to avoid the reformed religion, i.e. its doctrine, worship and discipline, rather than to avoid those who continued to recognize Paul VI as being the Pope formally. The conclusion that Paul VI was no longer formally the Pope could only be arrived at once he had demonstrated that he lacked, in a habitual manner, the objective intention to realize the Good-End of the Church, which is the glorification of God by means of the salvation of souls.

Fr. Cekada's next claim, in fact his central claim, is that by assisting at the Sacrifice as offered by a sedeplenist priest, "a sedevacantist condones the assertion that the celebrant publicly makes in the name of all present — Benedict, OUR Pope — an assertion that the sedevacantist knows and believes to be false." The essential claim here is that active assistance at sedeplenist worship is a quasi-approbation of the worship. This is, however, dependent upon a complex set of circumstances, as we shall see.[9]

Note well, we are assuming for the sake of this analysis that the celebrant is validly ordained and that he employs the essential rite necessary for validity. We are also abstracting from whether or not the accessory rites employed in celebrating Mass are those according to the reforms of St. Pius X, Pius XII, John XXIII or Paul VI (before December 7th, 1965), as this is outside the scope of our discussion.

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[9] A point that is seldom discussed is how this notion would apply to sedevacantist worship vis-a-vis sedeprivationist worship. The view espoused by Bp. Guérard des Lauriers, O.P. (which we will address below) is that the celebrant ought to modify the *una cum* clause and instead say "*una cum Sede apostolica*," rather than suppress the phrase entirely, in order to indicate that the See is materially occupied. It is true that few if any priests who adhere to his Thesis do this today, but there is still a difference in their conduct, viz. sedevacantists suppress the phrase entirely to express that the See is *totally* vacant, while sedeprivationists do the same to express that the See is materially occupied but *formally* vacant. Are those who hold this Thesis being inconsistent and even hypocritical in tolerating this erroneous notion when they assist at sedevacantist worship? The strict view expressed by Fr. Cekada et al. would seem to demand an affirmative answer.

Firstly, we are here discussing Catholic worship, i.e. a service conducted according to a Catholic rite of worship. The only difference, *positis ponendis*, between sedeplenist and sedevacantist worship is whether or not the minister prays for Prevost and commemorates him by name as "Thy servant, our Pope Leo" and the local Conciliar bishop as "our Bishop." This is done in the first prayer of the Canon, the *Te igitur*, which corresponds to the ancient diptychs of the living.

Secondly, we are assuming that the minister, despite his sedeplenist position, does not *actually* adhere to the pseudo-magisterium of Prevost as his proximate rule of faith. He is not (at least on this basis) to be classed amongst those who, by a public and wilful act, reject the magisterium of the Roman church as their proximate rule of faith.[10] Nor is he to be considered a schismatic, for, under the supposition that Prevost is considered to be deprived of Papal power, he is not the Supreme Pontiff formally, and therefore no subjection is due to him. Even under the supposition that he is habitually in possession of Papal power, the reasons given for disobeying his laws and commands fall short of schism, since they are not considered to flow from his infallible authority, and protests are made to the contrary that no will to separate oneself from the communion of the Roman Church is present. Neither is he to be accounted a minister of a false sect, for although the Conciliar church is arguably a non-Catholic sect *de facto*, it is not such *de jure*, since it is not known and condemned as such by the *Ecclesia docens*, nor, in the case of a "resistance" priest, has it pretended to commission him as its delegate in conducting said service. Furthermore, he is not considered, in the common estimation of others, to differ from a sedevacantist or sedeprivationist minister, at least insofar as his membership in the Church is concerned, for he as well as they are all considered traditionalists in contradistinction to the conciliars.

Thirdly, active participation, or formal communication *in divinis* with a minister in a rite of divine worship, signifies a moral union between the one conducting the worship and the one participating in it. Those who assist at the worship of sedeplenist ministers have the intention to worship the true God

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[10] Fr. Bernard Lucien, in his work *The Problem of Authority in the Post-Conciliar Church*, p. 72, said:

> To return to the present situation, following John-Paul II does not necessarily and formally constitute a direct rupture with the authentic Magisterium of the Church: and this quite simply because John-Paul II actually remains in material possession of this institution. Such an adherence leads to participating in a capital schism (which is to say, a schism which is a rupture with the head—*caput*—with authority as such). But this capital schism is not (because of the material permanence of "authority") equivalent to a complete rupture with the visible Church. This capital schism includes, as we have seen, the adhesion to "irregular propositions" (propositions already condemned by the Church; Cf. "Cahiers de Cassiciacum," No. 3-4, p. 43). This is why one can say that it places one in a condition of precarious adherence to the Church. And this is a secondary motive for publicly denouncing this capital schism, perilous in the extreme for all the faithful who adhere to it. But as following John-Paul II is not adherence to a complete and formal principle of rupture with the real institution of Authority in the Church, one cannot say that those who follow him are outside the visible Church.

and to co-offer the unbloody Sacrifice of the altar with and through the minister. It is *usually* presumed, as implied by the act, that those who assist agree with what the minister says and does at the altar. I say *usually*, because a multiplicity of cases could be envisioned where the minister may say or do something contrary, in the estimation of those assisting, to the rubrics of the Missal whilst offering the Sacrifice, that, nevertheless, do not implicate them in his wrongdoing.[11] A most pertinent example would be the controversy concerning the reformed Holy Week of Pope Pius XII. It is permitted sometimes to materially cooperate in evil, to dissimulate and even to allow others to be scandalized by one's conduct, provided that what one does is either good or indifferent *per se*, that there is no intention to deceive or to scandalize, and that one has a proportionate reason for tolerating the evil.

The Significance of the "*Una Cum*"

Fr. Cekada then discusses the linguistic and theological meaning of the phrase *una cum* in the context of the first prayer of the Canon. I hold that the phrase most probably functions grammatically as an appositional link between *Ecclesia* and *Papa*, indicating that the person prayed for[12] and commemorated here is a prominent member of the Mystical Body for whom the celebrant intercedes. Theologically it signifies that the person so commemorated is a co-offerer of the Sacrifice, insofar as he is a member of the Mystical Body and participates in the Communion of Saints[13], and that he is the

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[11] See my article, "*Inanem fallaciam*: An Analysis of the 'Una Cum' Question" for further discussion on this point.

[12] That commemorating the reigning Pontiff is truly "praying for him" can be seen when one consults the authors cited by Fr. Cekada in this place. E.g., Valentin Thalhofer, *Handbuch der katholischen Liturgik*, vol. 2 (Freiburg im Breisgau: Herder, 1890), 201–202:

> **Deed-petition** in the aforementioned sense is lodged with God in the first place (*in primis* is to be referred down to *pro ecclesia*) **for His holy, Catholic Church,** for the mystical body of Christ, which as such is holy (*sancta*) and destined for the sanctification of the whole world (*toto orbe terrarum*), i.e. is Catholic. [...] The visible organs, through which God guides and governs the Church **and for which therefore prayer is made first,** are the Pope as head of the whole Church and supreme bearer of ecclesial unity, at whose naming in the Canon an inclination is made, the diocesan bishop (head of the church (antistes - προεστώς)) and all those orthodox hierarchical persons, who are at the same time (*atque*) cultivators (*cultores*) of the Catholic, apostolic faith, be it through teaching, be it through science or however." (bold added)

[13] Cf. Giovanni Bona, Cardinal, O.C.S.O., *De sacrificio missae: tractatus asceticus* (Waterford: Impensis Johannis Bull, 1810), 25–26:

> [The Mass] is offered generally for all the faithful, living and dead: for it is the same as to its substance as the sacrifice of the Cross, which was offered for all, and it is established from the Canon that the priest must apply it for all: for the Pope, for the Bishop, for the King, and for the whole Church militant and suffering, and he cannot but apply it, since he is specially deputed for this by the Church herself. Wherefore this fruit extends to all the faithful who are not cut off from the unity of the Church, and do not place an obstacle (*qui ab Ecclesiæ unitate non sunt præcisi, et non ponunt obicem*), and thus it can be in some manner extensively infinite, and all and each, if it be not their own fault (*si per ipsos non stet*), can receive the full fruit, as if there were but one.

true and legitimate Roman Pontiff[14]. To pray for someone and to commemorate him by name in this place is an act of communication *in sacris* with said person in the ecclesiastical sense of the term, since it makes him a participant in the public prayers of the Church and a recipient of the fruit of the Sacrifice.[15]

Per se, the Sacrifice of the Mass may be lawfully offered for all those to whom it may be in any way beneficial, i.e. for all the living and for the souls in Purgatory. Divine and natural law might prohibit this offering in certain circumstances, e.g. if it caused scandal, gave the appearance of religious indifferentism, etc. It is by the usage and the positive prohibition of the Church that certain classes of persons are excluded from this offering.

What is the status of Prevost, as well as the Conciliar bishops? If they have committed the simple delict of heresy, then they are unsentenced heretics who have *ipso facto* incurred the ecclesiastical censure or penalty of excommunication and are *simpliciter tolerati* excommunicates, and it is therefore absolutely forbidden, both by the usage and law of the Church, that they be prayed for and commemorated by name in this place.[16] The difficulty, however, arises from the lack of a sentence and a declaration, both with regard to their crimes and censures, respectively. Furthermore, wise men disagree about the certainty of their pertinacity, as well as the extent to which it is manifest or notorious, and therefore it

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[14] Cf. Giovanni Bona, Cardinal, O.C.S.O., *De la liturgie, ou, Traité sur le Saint Sacrifice de la Messe*, vol. 2 (Paris: Vivès, 1874), 190:

> Ennodius of Pavia attests that it had never ceased, every time that Mass was celebrated, to be the custom to pronounce the name of the Pope, that is to say of Symmachus, and he uses this proof to establish (*et il se sert de cette preuve pour établir*) that it was the latter, and not Laurentius, who was the legitimate pontiff (*pontife légitime*).

[15] Cf. ibid., 192:

> [The Canon is] par excellence the prayer of *Communion*, the most solemn and the most public function of the Church (*par excellence la prière de la* Communion, *la fonction la plus solennelle et la plus publique de l'Église*).

[16] Cf. Eric Francis MacKenzie, *The Delict of Heresy: In Its Commission, Penalization, Absolution*, Canon Law Studies, no. 77 (Washington, D.C.: Catholic University of America Press, 1932), 72:

> Under the present law, a heretic is excluded from the general fruits of the Mass, since they are excluded from the common suffrages. [...] Returning to the consideration of public prayers, canon 2262, §1, states that heretics are deprived of all participation in them. This law is somewhat more rigorous than the teaching of approved pre-Code authorities. Excommunicates were deprived of this participation under the law of the Decretals, but after the Constitution *Ad Evitanda*, question arose as to the status of the *tolerati*; and common opinion held that at least the latter could be publicly prayed for. The Code, while conceding full permission for private prayers, has definitely overruled this pre-Code doctrine, and excluded all excommunicates, whether *vitandi* or *tolerati* from such prayers. Hence it would be illicit for prayers to be publicly offered in the Church that any heretic might recover from sickness, or even be converted to the true faith.

is doubtful whether they have incurred the penalties or censures attached to the commission of the simple delict of heresy, it being debatable whether or not they have even committed the delict. It is impossible to argue, then, that there is a universal obligation arising from the law of the Church to omit their names in this place. It is certain that no known person is competent to enforce these penalties, or to oblige others to observe them.

The life of St. Hypatius of Bithynia, the Scholar of Christ (d. 450 A.D.) gives us an analogy for our case. Hypathius had a private revelation in the form of a vision, in which he heard a voice saying to him concerning Nestorius: "Three years and a little time, and the tares will be uprooted." Hence Hypathius was saying to some, and also to his Brothers, "I fear the future Bishop: because I saw concerning him that he is about to corrupt the faith: he will rule for about three years." He was questioned concerning this by clerics sent to him from Nestorius, to which he replied, "Tell the Bishop, if that which I saw shall come to pass, it will have been a true revelation made to me: but if not, I will have been deluded by a dream and imagination, as happens to man."

His biographer, Callinicus, continues after this, "But after three years had passed, it began gradually to appear, what an evil treasure was hidden in the heart of Nestorius: for while preaching he spoke unspeakable things against our Lord on his own head, which it is not worthy to express here[.]" Hypathius learning of this "immediately in his Apostles' church removed his name, lest it be remembered in the Sacrifice." His superior, Bp. Eulalius of Chalcedon, who Callinicus calls "the most pious," denounced to Nestorius that he should rebuke Hypathius for this act. He asked Hypathius, "Why have you removed his name, not yet knowing what is to happen?" to which he replied, "From the moment I began to hear him speaking impiously about my Lord, I no longer communicate with him, nor do I allow his name to be mentioned during the Sacred Rites: for he is not a Bishop." The marginal note here reads: "And being the first to excommunicate him as he begins to spread his blasphemies."[17] Eulalius rebuked him with anger, saying, "You must make amends for what you have done; otherwise, I know what I will do with you." Hypathius replied, "Do what you wish, I am prepared to suffer anything: I did this with a clear mind." The end of the episode recounted here says that both Hypathius and Eulalius were present when the deposition of Nestorius was read before all the clergy and people assembled in the church.

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[17] Cf. Giovanni Bona, Cardinal, O.C.S.O., *De la liturgie, ou, Traité sur le Saint Sacrifice de la Messe*, vol. 2 (Paris: Vivès, 1874), 199:

> To erase (*rayer*) a name from the Diptychs was a penalty (*peine*) reserved for those alone who had fallen into heresy (*qui étaient tombés dans l'hérésie*), or who had deserved by some crime (*quelque crime*) to be separated from the communion of the faithful.

Callinicus makes no comment about whether or not Hypathius and Eulalius broke communion with one another, only that Hypathius broke communion with Nestorius. Eulalius presumably continued to pray for Nestorius and commemorate him by name until a sentence was passed against him and he was deposed at Ephesus.[18] One can see an obvious parallel with our own circumstances.

It is of note that a reference is made by Fr. Cekada to the heretical pope controversy by citing Rev. Serapius ab Iragui, O.F.M. Cap. in his *Manuale theologiae dogmaticae*.[19] It is noteworthy that Serapius ab Iragui in this place references St. Robert Bellarmine, S.J. and Rev. Francisco Suárez, S.J. when he says "theologians respond" and "theologians commonly concede." Bellarmine held to the opinion that if the Pope, as a private person, became a manifest heretic, he would, *by that very fact* and *before* any excommunication or judicial sentence, cease to be the visible Head of the Church, having already ceased in any way to be a member of the Church. Suárez held to the opinion that if the Pope, as a private person, became a manifest heretic, he would *not by that very fact* cease to be the visible Head of the Church, but only *after* a declaratory sentence by a general council. Other authors are referenced in the relevant footnote, all of whom require manifest and notorious heresy as a condition for losing the pontifical dignity. It is noteworthy, however, that all of those who wrote on the question of the heretical Pope appear to be silent on how this would relate to the commemoration of the same in the Canon of the Mass.[20]

Active Participation and Consent

Fr. Cekada then explains what participation in the Mass signifies. He argues that to be present is to implicitly consent to whatever the minister may happen to say or do whilst conducting the service. He furthermore claims that the notion that it is possible to be present whilst objecting to the commemoration of the current occupant and withholding one's consent from this commemoration is "completely ridiculous," "a liturgico-theological impossibility," a "lay theology error" akin to Feeneyism, the idea that Abp. Marcel Lefebvre's ordination was invalid, the idea that Cardinal

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[18] Bollandists, eds., *Acta Sanctorum, Junii Tomus IV* (Paris and Rome: Victor Palmé, 1867), 265–267. Cf. Callinicus, *The Life of Our Sacred Father, Hypatius of the Rufinianae*, trans. and intro. Bradley K. Storin, Cistercian Studies Series 301 (Collegeville, MN: Liturgical Press, 2024), 115–117.

[19] Serapio de Iragui, O.F.M. Cap., *Manuale theologiae dogmaticae*, vol. 1, *Theologia fundamentalis* (Madrid: Studium, 1959), 365–366. Cf. Damien Dutertre, I.C.R., "On the Heretical Pope" (Most Holy Trinity Seminary, October 2022).

[20] A reference is also made here by Fr. Cekada to Sr. Mary Pierre Ellebracht, C.PP.S. and to Dom Placide Bruylants, O.S.B. on the meaning of *famulus* in the context of the *Te igitur*. Here it is used for the Pope insofar as he is a simple Christian, i.e. a member of the Christian community, without reference to his office or rank. Fr. Cekada does not make a distinction here between the different senses in which one may be considered a heretic, and concludes that *no* heretic can be called a *famulus* without affirming an untruth. This would mean that even an occult heretic could not be commemorated by name in the *Te igitur*.

Giuseppe Siri was elected Pope at the 1958 Conclave and to the idea that natural family planning is condemnable. Furthermore, he says that the principles underlying such a notion "virtually *any* priest, no matter how dim or poorly educated, would instinctively sense are completely wrong."

This is quite a claim, considering what has already been said above concerning his prior convictions on this issue. It is also to be noted that bright and well educated priests have held to and defended this notion, e.g. Bp. Guérard des Lauriers, O.P., Rev. Hervé Belmont, Rev. Martin Stépanich, O.F.M., Rev. Oswald Baker, among others.

Rev. Benedict Merkelbach, O.P. is cited here[21], but what is curiously omitted is a very pertinent comment on religious communication from the same work:

> **754. Concerning the religious communication of the faithful with infidels or non-Catholics** it is to be said:
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> *Active* communication or participation (*communicatio* activa *seu participatio*) in the sacred rites themselves, namely of public worship, is unlawful (*illicita*), because it is an implicit approval of the exercise of the worship and an acknowledgement of the sect (*implicita approbatio exercitii cultus et agnitio sectae*); *passive* communication, however, is generally (*generatim*) unlawful, but can sometimes be lawful for a grave reason (*sed aliquando licita esse potest ob gravem rationem*). Hence:
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> a) If it takes place with *heretics* (or schismatics), by natural and ecclesiastical law it is *of itself* and *as a rule* gravely unlawful (*ex iure naturali et ecclesiastico* per se *et* regulariter *est graviter illicita*) for the faithful, "either on account of the danger of perversion in the Catholic faith, or on account of the danger of participation in the heretical rite, or on account of the danger and occasion of scandal or seduction [1]," or on account of the appearance of adherence to the false sect which it signifies of itself (*speciem adhaesionis falsae sectae quam per se significat*) (Rom. XVI, 17; Titus III, 10).
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> b) *Per accidens*, however, and extraordinarily (*extraordinarie*), it can be lawful (*licita*), provided the action is not intrinsically evil (*actio non sit intrinsece mala*), and there be present a proportionate cause, which is required to be all the graver the more important the sacred thing is in which one communicates, and the more closely the action approaches to worship (*quae*

[21] Benedictus Henricus Merkelbach, O.P., *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 1, *De principiis*, 8th ed. (Bruges: Desclée de Brouwer, 1949), 584–585.

requiritur eo gravior quo res sacra in qua communicatur sit maioris momenti, et quo actio propius ad cultum accedat.)

c) With *infidels*, a fortiori it is unlawful, especially because their worship is wont to be false and superstitious.

Hence canon 1258: "§ 1. It is not lawful for the faithful in any way actively to assist at or take part in the sacred rites of non-Catholics (*quovis modo active assistere seu partem habere in sacris acatholicorum*).

§ 2. Passive or merely material presence, for the sake of a civil office or honour, for a grave reason to be approved by the Bishop in case of doubt, at the funerals, weddings, and similar solemnities of non-Catholics, can be tolerated, provided the danger of perversion and scandal be absent (cf. can. 2316)."

The footnote here reads:

[1] Thus from the rule given to missionaries by the S.C. of Propaganda Fide, 1729.

We will consider this decree later.

Fr. Cekada cites only a tiny portion of this, leaving out the fact that Merkelbach is talking about the religious communication of Catholics **with non-Catholics**, specifically those that are members[22] of false sects[23], rather than the notion of religious communication in general. There is of course religious

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[22] Cf. Arthur Vermeersch, S.J., and Joseph Creusen, S.J., *Epitome iuris canonici cum commentariis ad scholas et ad usum privatum*, vol. 2, *Liber III Codicis iuris canonici* (Mechlin: H. Dessain, 1933), 406:

> By the name of heretic or schismatic we understand one who is enrolled in a sect (*eum qui ascriptus sit sectae*).

[23] Cf. Ignatius J. Szal, *The Communication of Catholics with Schismatics: A Historical Synopsis and a Commentary* (Washington, DC: Catholic University of America Press, 1948), 59:

> From the standpoint of the schismatic minister it is illicit for him to administer the sacraments, for he is certainly an unworthy minister. As such he may be considered under a threefold possible aspect: 1) as being in the state of mortal sin, though not being bound by a censure; 2) as being bound by a censure; or 3) as being the minister of a schismatical sect. Mortal sin is a matter of the internal forum, though it is possible that one could be morally certain that a particular schismatical minister is in bad faith and in the state of mortal sin. However, if one considered a schismatic merely as being in the state of mortal sin, one could receive the sacraments from him for a just cause. Even if the schismatic is considered as bound by a censure, the faithful could receive the sacraments from him for any just cause as long as he were not a *vitandus* or under censure upon a condemnatory or declaratory sentence. But the schismatic minister cannot be considered merely as one in the state of mortal sin or as one bound by a censure. He is more than that. He is the minister of an unauthorized sect. Only a person in danger of death could licitly receive the sacraments from him.

unity among Catholics and ordinarily there is no reason to disapprove of an exercise of worship by a Catholic minister.

The quotes given in this part by Fr. Cekada prove that the attendant congregation do act as special and accessory offerers of the unbloody Sacrifice of the altar with and through the priest[24], in virtue of their baptism and of their active participation in the Mass.[25]

What they do not prove is that the attendant congregation necessarily consent to whatever the celebrant may happen to say or do during the course of the Mass. If this were true, then any violation of the rubrics on the part of the minister would be morally imputable to the attendant congregation, which is absurd, since then we would only be permitted to be present at a liturgical service which was conducted in a perfect manner.

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[24] E.g., we have here a citation from Pope Pius XII's encyclical *Mediator Dei*. Here is the explanation preceding the quote given by Fr. Cekada:

> But we deem it necessary to recall that the priest acts for the people **only because he represents Jesus Christ,** who is Head of all His members and offers Himself in their stead. [...] We are happy to recall one of St. Robert Bellarmine's many statements on this subject. "The sacrifice," he says "is principally offered in the person of Christ. Thus the oblation that follows the consecration **is a sort of attestation that the whole Church consents in the oblation made by Christ, and offers it along with Him.**" [...] ...[T]he prayers by which the divine Victim is offered to God are generally expressed in the plural number: and in these it is indicated more than once that **the people also participate in this august sacrifice inasmuch as they offer the same.** [...] By the waters of baptism, as by common right, Christians are made members of the Mystical Body of Christ the Priest, **and by the "character" which is imprinted on their souls,** they are appointed to give worship to God. Thus they participate, according to their condition, **in the priesthood of Christ.** [...] ...[T]he faithful participate in the oblation, understood in this limited sense, after their own fashion and in a twofold manner, namely, because they not only **offer the sacrifice by the hands of the priest,** but also, to a certain extent, in union with him. [...] Now it is clear that the faithful offer the sacrifice by the hands of the priest **from the fact that the minister at the altar, in offering a sacrifice in the name of all His members, represents Christ,** the Head of the Mystical Body. Hence the **whole church** can rightly be said to offer up the victim through Christ. (bold added)

[25] Rev. Maurice de La Taille, S.J. says, quoting Innocent III:

> It is not only the priests who offer, each one of the faithful offers also. For what is accomplished by the ministry of priests in their special office is done in general by the desire and intention (*votum*) of the faithful.

He explains in this section of his book, *Mysterium Fidei*, that this quote (among many others) substantiates his thesis that each one of the faithful, in virtue of their baptism, participate in the priesthood of Christ, and being united to Christ in the Church, have the habitual intention of offering to God the Eucharistic Sacrifice. He cites Cardinal John de Lugo, S.J. who says that the faithful "by the same will wherewith they wish to become members of the Church and to become obedient to her laws, wish also implicitly to ratify whatever has been done by the prelates of the Church for her common utility," referring this notion to the priest acting as an official spokesman (*oratorem*) in offering the Sacrifice.

It is a general principle that *praesumptio cedit veritati*, i.e. a presumption yields to the truth. It is presumed that the attendant congregation approves of what the minister says and does at the altar, *unless* there is evidence that something which they believe to be wrong is done, since it is unreasonable to believe they approve of it. In such a case, they simply tolerate the evil, since the good to be lost outweighs the evil being done.

St. Florus of Lyons' teaching fits this understanding:

> The *Amen*, which is answered by the whole Church (*omni Ecclesia*), means it is true, not everywhere and in everything, but in the mystic religious sense (*non ubicunque et quomodocunque, sed mystica religione*). This response then the faithful give to the consecration of this great mystery (*ad tanti mysterii consecrationem*), just as they do in every legitimate prayer, and by so replying subscribe to its truth (*subscribunt*).[26]

While we are on this subject, it is noteworthy that the quotes given from St. John Chrysostom and from St. Augustine of Hippo are missing important context.

St. John Chrysostom says:

> Again, in the most awful mysteries themselves, the priest prays for the people and the people also pray for the priest; for the words, *with your spirit,* are nothing else than this. **The offering of thanksgiving again is common: for neither does he give thanks alone, but also all the people. For having first taken their voices, next when they assent that it is meet and right so to do, then he begins the thanksgiving.** And why do you marvel that the people any where utter anything with the priest, when indeed even with the very Cherubim, and the powers above, they send up in common those sacred hymns? Now I have said all this in order that each one of the laity also may be wary, **that we may understand that we are all one body,** having such difference among ourselves as members with members; and may not throw the whole upon the priests but ourselves also so care for **the whole Church as for a body common to us.**[27] (bold added)

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[26] Florus of Lyons, *De expositione Missae*, in *Patrologia Latina*, ed. Jacques-Paul Migne, vol. 119 (Paris: Garnier Fratres, 1880), 65.

[27] John Chrysostom, *In Epistolam II ad Corinthios, Homilia XVIII*, in *Patrologia Graeca*, ed. Jacques-Paul Migne, vol. 61 (Paris: Garnier Fratres, 1862), 527. Latin:

> Jam in tremendis quoque mysteriis, ut sacerdos pro plebe, ita plebs pro sacerdote vota facit: hæc enim verba, *et cum spiritu tuo*, nihil aliud quam hoc significant. **Rursus ea oratio, qua Deo gratiæ aguntur, utriusque**

St. Augustine, cited by St. Florus of Lyons, explains that the people, by saying the response, "We have them lifted up unto the Lord," indicate that they are not merely Christians in name only, but Christians in reality and truth (*non Christianorum nomine solo, sed Christianorum re ipsa*), ones who place all their hope in God. It is in this context that he says, "Labour, that you may respond truly. Because you respond before the acts (otherwise, 'in the *Action*') of God, let it be so as you say. Let not the tongue sound, and the conscience deny (*Non lingua sonet, et conscientia neget*)[.]" He also explains the *Amen* said at the end of the Canon, how it refers back to the consecration of the bread and wine: "For take away the word: it is bread and wine. Add the word, and now it is something else. And that something else, what is it? The body of Christ and the blood of Christ. Take away therefore the word: it is bread and wine. Add the word, and it will become a Sacrament. To this you say: *'Amen.'* (*Ad hoc dicitis:* Amen.) To say Amen is to subscribe. Amen is interpreted in Latin as 'True.'"[28] Elsewhere, he says that the *Amen* said here refers to the faithful's belief in the Mystical Body of Christ: "If therefore you are the body of Christ and members, your mystery is placed upon the Table of the Lord: you receive your mystery. To that which you are, you respond *Amen*, and by responding you subscribe (*Ad id quod estis,* Amen *respondetis, et respondendo subscribitis*). For you hear, The Body of Christ; and you respond, *Amen*. Be a member of the body of Christ, that the *Amen* may be true (*Esto membrum corporis Christi, ut verum sit* Amen.)[29] [30]

> **communis est: neque enim ipse solus gratias agit, sed etiam plebs universa. Nam cum prius illorum vocem sumpsit, atque illi assenserunt id digne ac juste fieri, tum demum gratiarum actionem auspicatur.** Quid autem miraris, si cum sacerdote plebs interdum loquatur, cum etiam cum ipsis Cherubim ac supernis Virtutibus sacrosanctos illos hymnos communiter in cælum mittat? Hæc porro cuncta eo a me dicuntur, ut unusquisque, etiam ex iis qui subsunt, advigilet; **illudque intelligamus, nos omnes unum corpus esse,** tantumque dumtaxat inter nos differre, quantum membra a membris differunt: ac proinde ne omnia ad sacerdotes rejiciamus; quin potius nos Ecclesiæ totius, perinde ac communis corporis, cura afficiamur. (bold added)

[28] Augustine of Hippo, *Sermo VI: Item de sacramento altaris ad infantes*, in *Patrologia Latina*, ed. Jacques-Paul Migne, vol. 46 (Paris: Garnier Fratres, 1865), 835–836.

[29] Augustine of Hippo, *Sermo CCLXXII: In die Pentecostes postremus. Ad infantes, de sacramento*, in *Patrologia Latina*, ed. Jacques-Paul Migne, vol. 38 (Paris: Garnier Fratres, 1865), 1247.

[30] It is also worth noting what Rev. Herbet Thurston said in his entry titled "Amen" in the *Catholic Encyclopedia*:

> With regard to what we have ventured to call the "great Prayer of Consecration" a few words of explanation are necessary. There can be no doubt that by the Christians of the earlier ages of the Church the precise moment of the conversion of the bread and wine upon the altar into the Body and Blood of Christ was not so clearly apprehended as it is now by us. They were satisfied to believe that the change was wrought in the course of a long "prayer of thanksgiving" (*eucharistia*), a prayer made up of several elements — preface, recitation of the words of institution, memento for living and dead, invocation of the Holy Ghost, etc. — which prayer they nevertheless conceived of as one "action" or consecration, to which, after a doxology, they responded by a solemn Amen. [...] The existing liturgies both of the East and the West clearly bear witness to this primitive arrangement. In the Roman Liturgy the great consecrating prayer, or "action", of the Mass ends with the solemn doxology and Amen

It is clear then that nothing certain can be derived from these citations to demonstrate that those who actively assist at Mass necessarily consent to whatever the celebrant may happen to say or do whilst saying the Mass.

Seven Deadly Sins

Fr. Cekada continues on after this and lists out seven distinct sins that are imputed to the attendant congregation in virtue of their presence: **pernicious lying, forbidden communication *in sacris* with heretics, implicitly professing a false religion, disobeying the legislative authority of the Church in Her regulation of divine worship, recognizing a usurper of an ecclesiastical office, giving scandal and implicitly committing the sin of schism.**

Mendacium

As far as **pernicious lying** is concerned, Fr. Cekada argues that the attendant congregation, by the very fact that they actively participate in the Mass, tell a pernicious lie in a matter of religious doctrine which does harm to God. To prove this, he cites Merkelbach's *Summa Theologiae Moralis*, where he discusses the virtue of veracity and the vices opposed to it.[31]

Merkelbach first treats of veracity, which he defines as "a moral virtue inclining one to speak the truth in conformity with the mind of the speaker; or the virtue by which someone shows himself by life and speech to be such as he is (*virtus moralis inclinans ad dicendum verum conformiter ad mentem dicentis; seu virtus qua aliquis vita et sermone talem se demonstrat qualis est*)."

The specific vice we are concerned with here is a defect of veracity, i.e. lying, which he defines as "speech against one's own mind (*locutio contra mentem*)." "Speech" here refers to external speech, meaning any external sign which manifests our mind; "against our own mind" means external speech "which proceeds from the intention of stating what is false (*quae procedit ex intentione falsum enuntiandi*)," i.e. as contrary to what we hold to be true in our own mind. The intention of deceiving is implicitly included, being the proper effect of a lie, but no explicit intention to deceive is necessary for the sin of lying to be committed.

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which immediately precede the Pater Noster. The other Amens which are found between the Preface and the Pater Noster can easily be shown to be relatively late additions.

[31] Benedictus Henricus Merkelbach, O.P., *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 2, *De virtutibus moralibus*, 8th ed. (Bruges: Desclée de Brouwer, 1949), 819–820, 826–833.

There are three kinds of lies: officious, jocose and pernicious. The pernicious lie is the one which concerns us here, which Merkelbach defines as a lie "told for the sake of inflicting special harm (*prout fit causa specialis nocumenti inferendi*)."

The specific kind of pernicious lie we are concerned with is the lie which harms God in a matter of religion[32], which Merkelbach calls "the most grave of all (*omnium gravissimum*)." This is due both to the matter, viz."a matter of religious doctrine (*doctrina religionis*)," and the end, viz. "in injury of God (*in iniuriam Dei*)."

Since the supposed "lie" in question is being effected by deed rather than by the spoken or written word, it would not be lying strictly so called, but rather simulation. Formal simulation "is a lie by deeds, whereby someone by external actions intends to signify something other than what he has in mind (*est mendacium per facta, quo quis per actiones externas aliud intendit significare quam habet in mente*)," while material simulation "is dissimulation, or an ambiguous action directed to concealing the truth, which is lawful from a just cause, whenever others can gather from the circumstances the mind of the one dissimulating (*est dissimulatio seu actio ambigua ad celandam veritatem, quae licita est ex iusta causa, semper ac alii ex adiunctis colligere possunt mentem dissimulantis*)."

If a person does not intend to deceive anyone into believing that he agrees with the celebrant's commemoration of Prevost by attending an "*una cum* Mass," despite it being ordinarily presumed that he consents to all that is said and done by the celebrant during the course of the Mass, then he is not guilty of formal simulation. He has just cause, viz. "an honest end directed to preserving goods useful to the spirit or body (*est finis honestus ad servanda bona spiritui vel corpori utilia*)," for attending (i.e., to participate in the Sacrifice, to receive the fruits of Mass, to receive Holy Communion, etc.), his action is ambiguous (actively participating primarily signifies concurrence in the offering of the Sacrifice, only secondarily is it presumed by custom that consent is given to all of the parts of the surrounding ceremonies) and it can be gathered from the circumstances that he does not agree with the commemoration.

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[32] That this refers to matters of faith is clear from what St. Thomas says on the vices opposed to truth:

> For if this be about divine things (*res divinas*), it is contrary to the charity of God, whose truth one hides or corrupts by such a lie; so that a lie of this kind is opposed not only to the virtue of charity, but also to the virtues of faith and religion (*sed etiam virtuti fidei et religionis*): wherefore it is a most grievous and a mortal sin.

As far as whether or not Prevost is formally the Pope, this is not properly speaking a matter of religious doctrine, nor does the one who dissimulates about the matter by attending an "*una cum* Mass" intend to inflict special harm on God. Firstly, because the status of Prevost is not directly a matter of faith and morals, but rather a certain theological conclusion dependent on contingent facts, and secondly, because no one can be credibly believed to intend to do harm to God's honor by tolerating a mistake on the part of the celebrant in order to participate in the Sacrifice.

Communicatio in sacris

As far as **forbidden communication *in sacris* with heretics** is concerned, Fr. Cekada argues that the attendant congregation put themselves in communion with a heretic by the very fact that they actively participate in the Mass. To prove this, he draws an analogy from the Acacian schism and the *Formula* of Pope St. Hormisdas.

The Acacian schism began under the reign of Pope St. Felix III and ended under the reign of Pope St. Hormisdas. The occasion of the schism was the attempt on the part of the Patriarch Acacius of Constantinople, with the support of the Byzantine Emperor Zeno, to establish unity between those who accepted the Council of Chalcedon and those who held to the heresy of Eutychianism or monophysitism, i.e. that in the person of Christ, the divinity and humanity are joined as in one composite nature or *physis*. The imperial edict drafted for this occasion, the *Henotikon*, made concessions to the heretics and omitted any references from the Council of Chalcedon on the distinction of natures in Christ. In consequence of his support for the imperial edict (as well as Acacius' admitting to communion notorious heretics excommunicated by Felix), Acacius was deposed and excommunicated in a synod held in 484. In 485 this decision was reaffirmed and broadened to include all of his accomplices as well as a substantial part of the Byzantine hierarchy.

Pope St. Hormisdas issued his famous *Formula*, or confession of faith (*regula fidei*) for the Eastern bishops to affix their signature.[33] In it, he condemns and anathematizes: Nestorius, Eutyches, Dioscoros of Alexandria, Timothy Aelurus, Peter Mongos of Alexandria, Acacius of Constantinople, Peter the Fuller of Antioch "together with the followers of all those mentioned above," as well as "those who remained in the society of their communion."

The most pertinent passage to our discussion is this:

[33] Denzinger, no. 171–172.

> I promise that from now on those who are separated from the communion of the Catholic Church, that is, who are not in agreement with the Apostolic See, will not have their names read during the sacred mysteries (*sequestratos a communione Ecclesiae catholicae, id est non consentientes Sedi Apostolicae, eorum nomina inter sacra non recitanda esse mysteria*).

In the context of the Acacian schism, this line from the *Formula* refers back to what occurred at the beginning and during the schism.

Acacius had read aloud during the course of the sacred mysteries the names of Peter Mongus and other monophysites in the diptychs. Not only was Peter Mongus a notorious heretic who was excommunicated by St. Felix (n.b. *before* Acacius' excommunication and deposition), but he intruded himself into the See of Alexandria after the Emperor Zeno expelled the legitimate occupant. Acacius' commemoration was not only an act of communication *in divinis* with a notorious heretic and one excommunicated *nominatim* by the Pope, but also a recognition of an intruder as the Patriarch of Alexandria.

Acacius' successor, Phravitas, despite his assurances to the contrary made to the Pope, continued to hold communion with Peter. Ethymus succeeded him and was refused communion by the Pope because he refused to remove the names of his two predecessors from the diptychs.

Eventually an orthodox bishop, John of Cappadocia, became the Patriarch of Constantinople. He recognized as orthodox the Council of Chalcedon, anathematized Severus of Antioch (one of the successors of Peter the Fuller), inserted the Council of Chalcedon into the diptychs along with the names of Euphemius and Macedonius of Constantinople and Leo, Pope of Rome. This occurred during the Acclamations of Constantinople, the prelude to reunion between Constantinople and Rome. John wrote to Hormisdas that he received the four general councils and had inserted his name into the diptychs.

Hormisdas permitted the names of Euphemius and Macedonius to be passed over in silence, but required John to anathematize by name Acacius. John effaced from the diptychs Acacius, Fravitta, Euphemius, Macedonius, and Timotheus, as well as the emperors Zeno and Anastasius. Afterwards, the schism came to a close.

The purpose of this historical digression is to contrast the difference between the Acacian schism and the crisis of authority we presently find ourselves in. On one hand, the persons who were being commemorated in the diptychs during the Acacian schism were excommunicated, deposed and

anathematized by the Pope himself. He positively forbade their names to be uttered in the sacred mysteries, even excommunicating his own legates for communicating at a liturgy which violated this prohibition. On the other hand, Prevost and the Conciliar bishops have neither been excommunicated nor deposed by competent authority, and no positive prohibition from the same has forbidden that they be commemorated by name in the liturgy. The cases are, therefore, not equivalent.

So, too, the priests who commemorated sentenced heretics during the Acacian schism differ from the priests who commemorate unsentenced heretics during the present crisis of authority: those during the schism were Eutychians or monophysites that rejected the teaching of the Ecumenical Council of Chalcedon and were condemned by the Pope as a sect, whilst those during the present crisis of authority are traditionalists mistaken about the status of Prevost and the Conciliar bishops and have not been condemned by competent authority as a false sect. One group are non-Catholics, the other are Catholics, and we are permitted to communicate *in divinis* with Catholics, even if the same Catholics mistakenly communicate *in divinis* with a person whom they suppose to be a Catholic and whom we consider to be a non-Catholic.

Hæresis

As far as **implicitly professing a false religion** is concerned, Fr. Cekada argues that the attendant congregation profess communion with the "ecumenical, One-World church" and consequently profess the false faith of this entity. To prove this, he cites Merkelbach's *Summa Theologiae Moralis*, where he discusses the external act of faith and the vices opposed to it[34] as well as a comment of Abp. Marcel Lefebvre, FSSPX after his suspension *a divinis* by Paul VI in 1976 for ordaining priests and deacons without dimissorial letters from their Ordinary or a valid canonical title.

The confession of faith is "the external manifestation of faith by some sign suited to this end (*est externa eius manifestatio per aliquod signum ad hoc idoneum*)." By natural divine law there is a precept, obliging *sub gravi*, of confessing faith externally, both affirmative and negative.

The negative precept forbids denying the faith, professing a false one or even simulating a false one, whether expressly or tacitly, either by word, sign or deed (e.g., silence). To do so would be to implicitly say that God reveals falsehoods, or that He does not reveal the dogmas of the Christian faith.

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[34] Benedictus Henricus Merkelbach, O.P., *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 1, *De principiis*, 8th ed. (Bruges: Desclée de Brouwer, 1949), 554–558.

This denial can occur in two manners, either *directly* and *explicitly* or *indirectly* and *implicitly*. The first manner occurs when someone knowingly denies the faith and professes a false one, the second when, "without the intention of denying he performs an action **which is taken by others as a denial of the faith,** such as assisting at or participating in the rites of heretics [e.g. receiving the Calvinist supper] (*si absque intentione negandi actionem ponit* ***quae ab aliis ut negatio fidei habetur,*** *qualis esse potest assistere aut participare ritibus haereticis* [*sumere v.g. coenam calvinisticam*])." (bold added)

Those deny the faith *in words* (verbis) who openly, seriously or in pretence, deny an article of faith, deny that they are Christians or Catholics, call themselves disciples of another sect, frequently say they are not papists etc., "**in regions where those words signify nothing other than** the Catholic religion (*in regionibus in quibus illa verba non significant nisi catholicum religione*)." (bold added)

Those deny the faith *in deeds* (factis) who "in order to conceal their faith (*ad occultandam fidem*), make use of the rites or ceremonies of a false cult (*falsi cultus*), such as burning incense, genuflecting or sacrificing before an idol, receiving the Calvinist supper, making use of circumcision as a religious rite, etc. (*sumere coenam calvinisticam, circumcisionem ut ritum religiosum adhibere, etc.*)."

Those also deny the faith in deeds who buy a certificate that they have done so (*libellatici*), or who "perform an action which of itself **or from the circumstances** (***ex se vel ex circumstantiis***) signifies profession of a false religion, e.g. drinking to the death of the Papists or to the health of the enemies of the Church, praying or singing together with them (*simul cum iis orare, cantare, etc.*), giving one's name (*nomen dare*) to a heretical, schismatic, or Masonic sect, or to an anti-Catholic or Bible society, for whatever reason (*quacumque de causa*)." (bold added)

Those also, in general (*generatim*), deny the faith who remain silent or use ambiguous words when interrogated by public authority about the faith, when this is taken by the public authority to signify a denial, "this, on account of the circumstances, **is by common estimation** considered as a denial or shame of the faith, from fear of imminent punishment (*hoc enim propter adiuncta* ***ex communi aestimatione*** *consideratur ut negatio vel erubescentia fidei, vetimor poenae imminentis*)." (bold added)

However, Merkelbach clarifies:

> I said: *in general*, for if the aforesaid actions **were regarded by others, from special circumstances,** as a denial or shame of the faith, or if great honour were withheld from God,

> or grave scandal were to arise, they would be sinful against the faith and to be avoided. **When, however, this is the case, it is left to prudent judgement to determine.** (bold added)[35]

As far as the affirmative precept, one must externally confess the faith when through omission great honor due to God would *privatively* be withheld, or God would *positively* be greatly harmed, e.g. when interrogated by public authority, when heretics or unbelievers trample upon sacred things if resistance, contradiction etc. is deemed useful and profitable, etc.

One is also bound to externally confess the faith when by omission grave spiritual harm would come to one's neighbor, e.g. contempt of religion, perversion of the faithful, scandal, etc.

However, we are not obliged to externally confess the faith "when, by omitting confession, no injury is done to God *in faith* nor does one's neighbour suffer harm (*quando, omittendo confessionem,* in fide *iniuria fiat Deo vel proximus detrimentum patiatur*)."

The affirmative precept does not oblige always (*pro semper*). Merkelbach gives eight cases in which *per se* and *in general* (per se *et* generatim) one does not sin, at least against faith, in words, signs or acts. Of particular note are the first and fifth cases, i.e. "those who conceal or dissimulate their faith but for *grave cause* (*qui fidem occultant vel dissimulant sed* gravi causa)" and "even those who for *graver cause* use garments or national signs, and also those who use such as are probably merely *distinctive* of a false religion (*imo qui* graviori causa *utuntur vestibus vel signis nationis, et etiam probabiliter falsae religionis tantum* distinctivis)."

He again clarifies:

> I say: *in general*, for if the aforesaid actions **were regarded by others, from special circumstances,** as a denial or shame of the faith, or if great honour were withheld from God, **or grave scandal were to arise,** they would be sinful against the faith and to be avoided. **When, however, this is the case, it is left to prudent judgement to determine.** (bold added)[36]

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[35] Latin:

> Dixi: *generatim*, nam si praedictae actiones **ex specialibus circumstantiis, ab aliis haberentur** ut negatio aut erubescentia fidei, vel si magnus honor Deo subtraheretur, vel grave scandalum nasceretur, essent in fidem peccaminosae et relinquendae. **Quando autem id fiat, prudenti aestimatione relinquendum est.** (bold added)

[36] Latin:

Further down he quotes Prümmer who speaks about a case where someone "entering among pagans (*ingrediens ad paganos*)" wishes to profess the true faith but cannot do so without great temporal inconveniences. He says that he can conceal his reception into the Church *for a time* (ad tempus) but that after his conversion "he can no longer perform acts which are a profession of heresy or paganism, e.g. receive the Protestant supper, contract marriage before a non-Catholic minister, bear signs signifying idolatry, etc (*non potest amplius perficere actus qui sunt professio haereseos aut paganismi, v.g. recipere coenam protestanticam, matrimonium contrahere coram ministro acatholico, signa deferre idolatriam significantia, etc*)."

He concludes from Prümmer that in practice it is not always easy to distinguish whether concealment of the faith is lawful or not, although generally speaking it is much better to profess the faith openly.

Evidently, we have here another instance of proposing a false equivalence.

Firstly, the status of Prevost and the local Conciliar bishop is not a matter of divine and Catholic faith, so it cannot pertain directly to the external act of faith. It is a certain theological conclusion dependent on contingent facts, as was already said.

Secondly, the examples given (the Calvinist supper, the Jewish rite of circumcision, praying or singing together with the enemies of the Church, etc.) all refer to false worship, in particular heretical worship. Fr. Cekada frequently uses the burning of a grain of incense before a pagan idol as an example. There is no equivalence between these things and a Catholic liturgical rite during the course of which the minister mistakenly signifies something factually incorrect, viz. that Prevost is a member of the Church and formally the true and legitimate Roman Pontiff.

As we saw before, there is a kind of ambiguity in what the assisting faithful are exactly consenting to by their presence. It is up to prudent judgment to determine whether or not a proportionate reason justifies dissimulation in this instance.

> Dico: *generatim*, nam si praedictae actiones **ex specialibus circumstantiis, ab aliis haberentur** ut negatio aut erubescentia fidei, vel si magnus honor Deo subtraheretur, **vel grave scandalum nasceretur,** essent in fidem peccaminosae et relinquendae. **Quando autem id fiat, prudenti aestimatione relinquendum est.** (bold added)

The primary reason why there is no equivalence is that actively participating in a Mass during the course of which the celebrant prays for Prevost is not, on account of the circumstances, commonly estimated to indicate that one confesses the false faith of the conciliar church. Rev. Robert Parsons, S.J., whose text we will be reproducing and commenting on in the third part, says, "For what doth make a thing to be a proper and peculiar sign, but the judgment and opinion of men?"

Only those who agree with the arguments critiqued in this article and those like them, who constitute a very small minority of men, hold to this view.

Next we have the comment of Lefebvre. It is part of a response to the Notification sent to Lefebvre by the Prefect of the Congregation for Bishops, Cardinal Sebastiano Baggio.

The relevant section reads:

> What does it consist in, in reality? It deprives me of the right inherent to a priest, and a fortiori to a bishop, to celebrate Holy Mass, to confer the sacraments, and to preach in consecrated places — that is to say, I am forbidden to celebrate the new Mass, to confer the new sacraments, to preach the new doctrine.
>
> Thus, because I refuse, precisely, since their institution, these novelties, I am henceforth officially forbidden to make use of them. It is because I refuse the new Mass that I am deprived of saying it. One can thereby guess how little harm this suspension causes me.
>
> [...]
>
> What could be clearer! Henceforth, it is to the conciliar Church that one must be obedient and faithful, and no longer to the Catholic Church. **That is precisely our whole problem; we are suspended a divinis by the conciliar Church and for the conciliar Church, of which we have no wish to form a part.**
>
> This conciliar Church is a schismatic Church because it breaks with the Catholic Church of all times. It has its new dogmas, its new priesthood, its new institutions, its new worship already condemned by the Church in many official and definitive documents.
>
> [...]

> The Church which affirms such errors is at once schismatic and heretical. This conciliar Church is therefore not Catholic. **In so far as the Pope, bishops, priests, and faithful adhere to this new Church, they separate themselves from the Catholic Church.** The Church of today is the true Church only in so far as she continues and forms one body with the Church of yesterday and of all times. The norm of the Catholic faith is Tradition. The demand of His Excellency Mgr Benelli is therefore illuminating: submission to the conciliar Church, to the Church of Vatican II, to the schismatic Church. (bold added)[37]

It seems that Fr. Cekada is attempting to establish from this text that Abp. Lefebvre considered the conciliar church to be a non-Catholic sect, in the sense that this fact has been juridically established in such wise that there is a universal presumption that those who belong to it are non-Catholics. His actual position is explained here.

The Archbishop says that "we [referring to the Priestly Fraternity of Saint Pius X] have no wish to form a part (*nous ne voulons pas faire partie*)" of the conciliar church. He also says that "[i]n so far as the Pope, bishops, priests, and faithful adhere to this new Church, they separate themselves from the Catholic Church. (*[d]ans la mesure où le Pape, les évêques, prêtres et fidèles, adhèrent à cette nouvelle Eglise, ils se séparent de l'Eglise catholique*)."

The priests of the FSSPX who commemorate Prevost and the local Conciliar bishop in the Canon, despite this act constituting communication *in sacris* with those so mentioned, are not separated from the Catholic Church, for the precise reason that they refuse to adhere to "its new dogmas, its new priesthood, its new institutions, its new worship already condemned by the Church in many official and definitive documents (*ses nouveaux dogmes, son nouveau sacerdoce, ses nouvelles institutions, son nouveau culte déjà condamné par l'Eglise en maints documents officiels et définitifs*). They are mistaken about both the status of Prevost and the local Conciliar bishop, as well as the consequences that result from considering them to possess habitual jurisdiction.

Inobedientia

As far as **disobeying the legislative authority of the Church in Her regulation of divine worship** is concerned, Fr. Cekada argues that the attendant congregation approves of a violation of Church law, i.e. the prohibition against praying for and commemorating by name heretics in the *Te igitur*, and consequently participates in a grave sin of disobedience. To prove this, he cites various

[37] Marcel Lefebvre, "Quelques réflexions à propos de la 'suspens a divinis,'" Écône, July 29, 1976, La Porte Latine.

decrees of the Holy See, the bull of Pope Benedict XIV titled *Ex quo primum*, and Rev. Maurice de la Taille, S.J.'s *Mysterium fidei*.

The first decree that he cites, given on August 28th, 1669 by the Sacred Congregation of the Holy Office concerns a case in Mesopotamia (an area including modern-day Iraq, as well as parts of Syria, Turkey and Iran) regarding two matters: a) Nestorians who secretly became Catholic and were commanded by their Ordinary to hear the confessions of heretics or schismatics and b) deacons pronouncing aloud in the Divine office in church the names of "Dioscorus, Nestorius, Barsumas, and other heresiarchs, with the intention of invoking the saints of the same name, or pronouncing them as indifferent names, whilst detesting them inwardly, assuring that it is not possible for them to do otherwise (*Dioscoro, Nestorio, Barsuma ed altri eresiarchi con intenzione d'invocare i santi del medesimo nome, o pronunciandoli come nomi indifferenti, detestandoli però nell'interno assicurando non esser possibile che facciano di vantaggio*)." Both were forbidden to be permitted or tolerated.[38]

Next we have a reference to the bull of Pope Benedict XIV, *Ex quo primum*, which was addressed to the Byzantine Catholic hierarchy. The Pope says that the Greeks, where commemorations are customarily made in the sacred liturgy, should commemorate their own bishop and patriarch "provided they are Catholic. But if either or both of them are schismatic or heretical they should by no means be commemorated (*alter eorum, vel ambo sunt schismatici, sive haeretici, eorum commemoratio nequaquam fiat*)." He repeats himself and says their bishop or archbishop is to be commemorated "if he is in union with the Roman Catholic Church (*si fit cum Ecclesia Catholica Romana unitus*)." Again he says, "For if either is or both are schismatic or heretical, a commemoration should not (*non deberet*) be made." He says that it is absolutely forbidden (*indefinite prohibetur*) to commemorate a metropolitan or patriarch if he is a heretic or a schismatic.

He also comments on the decree from June 7th, 1673:

> When this practice was dealt with in the Congregation of the Holy Office in 1673, the following decree was published: "At the General Congregation of the Holy Office on June 7, 1673, the question was posed whether a priest in the town of Lebanon during Mass might name the patriarch of the Armenians, who is schismatic, with the purpose of praying for him (*pro ipso orando*). The petition for this concession was made with great urgency in order by this means to attract that people to a greater friendship for the Latins. The Sacred Congregation

[38] Sacra Congregatio Sancti Officii, Decree of August 28, 1669, in *Codicis Iuris Canonici Fontes*, ed. Pietro Cardinal Gasparri, vol. 4, nn. 714–2055 (Rome: Typis Polyglottis Vaticanis, 1923–1939), 21–22.

> responded that it could not be done and should be utterly forbidden (*non posse, & omnino prohibeatur*)."

The Pope explains the reason for this prohibition, i.e. that heretics and schismatics are not members of the Church and the place where commemorations are customarily made refers to the members of the Church. Heretics and schismatics as such are also excommunicated, and it is forbidden to pray publicly for the excommunicated. It is permissible to pray for their conversion and even to offer the Mass for them to this end, but only by the intention of the priest, since "such prayer must not take the form of proclaiming their names in the solemn prayer during the sacrifice of the Mass (*hoc tamen ita præstari non debet, ut eorum nomina in solemni Sacrificii prece pronuncientur*)." He concludes: "In forbidding public prayers to be offered for them, the Church definitely rules out commemorating them in the celebration of Mass (*queque, dum prohibet, ne pro his publice oretur, eorum certe commemorationem ab Officio Missæ, quæ publicum est Sacrificium, excludit*)."[39] [40]

Dom Prosper Guéranger, O.S.B. says the same thing:

> The Priest cannot here pray either for Jews or for infidels, no more than he can for heretics, who by the very fact of heresy alone, are excommunicates, and consequently out of the pale of the holy Catholic Church. Neither can he pray for such as, without being heretics, are excommunicated for other causes; it would be a profanation to utter the names of any such in the midst of the Holy Sacrifice. They may be prayed for in private, but not in official prayers. They are excluded from the Sacrifice, as they are out of the Church; consequently, it is impossible to mention them during the Sacred Celebration.[41]

If Prevost and the Conciliar bishops have committed the simple delict of heresy, i.e. if they have, in an external manner, pertinaciously doubted or denied a dogma of divine and Catholic faith, then they have incurred the penalty of excommunication *latae sententiae*, i.e. automatically or by law (*a jure*) and by reason of the offence itself (*eo ipso*). This being so, *per se* they are not able to participate in the public

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[39] Cf. Benedict XIV, "Ex quo primum tempore," in *Sanctissimi domini nostri Benedicti Papae XIV Bullarium*, vol. 4 (Luxembourg: Sumptibus Henrici-Alberti Gosse et Soc., 1758), 194, 196, 197–198.

[40] The public prayers (or common suffrages) of the Church, by way of impetration, obtain for the faithful, either directly or indirectly, spiritual benefits. Heretics do not participate in these benefits for the reason that the Church does not wish to apply these to them as a consequence of their having incurred the penalty of excommunication. For this reason they have no share in the general fruit of the Mass.

[41] Prosper Guéranger, O.S.B., *Explanation of the Prayers and Ceremonies of Holy Mass*, trans. Laurence Shepherd, O.S.B. (1885; repr., Liturgia Latina).

prayers of the Church, which *per se* forbids priests from commemorating them in the celebration of Mass under pain of sin.[42]

However, the priests of the FSSPX who commemorate Prevost and the Conciliar bishops in the *Te igitur* do not believe that the aforementioned are excommunicated, for the reason that they deny that they are formal heretics. If they are not formal heretics, then they have not committed the simple delict of heresy, nor have they incurred the penalty of excommunication, and are therefore able to participate in the public prayers of the Church and to be commemorated during the celebration of the Mass. There would even be an obligation to do so, arising from the rubrics of the Missal.

The difficulty arises from the fact that Prevost and the Conciliar bishops have not undergone any judicial process to establish in law that they in fact have committed the crime of heresy. The most that can be said about them with regard to their excommunication is that they are *simpliciter tolerati* excommunicates. The faithful are not obliged to avoid communicating *in sacris* with *simpliciter tolerati* excommunicates, and there is no legal obligation to recognize the fact of their having been excommunicated before the intervention of competent authority, nor is anyone able to coerce others to observe this.

We will return to de la Taille's comments in the third part when we address public prayers for non-Catholic civil rulers.

Usurpatio

As far as **recognizing a usurper of an ecclesiastical office** is concerned, Fr. Cekada argues that the attendant congregation, by the very fact that they assist at the Mass, recognize an intruder as the legitimate occupant of the Apostolic See. To prove this, he draws an analogy from the schism caused by

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[42] Cf. Maurice de la Taille, S.J., *The Mystery of Faith*, book 2, *The Sacrifice of the Church*, trans. Joseph Carroll and P. J. Dalton (London: Sheed & Ward, 1950), 312:

> [W]e do not pray for infidels in the Canon. The reason for this is that in the present Canon of the Roman Church, **we only pray for those with whom we are considered to offer;** and such are those only who, as they are within the unity of the body of the Church, are presumed to be united with the sacrament of the Body of Christ by faith and charity, as St. Thomas remarks[.] [...] The history of the Church makes it clear that measures were constantly taken to prevent the naming of an excommunicated person publicly within the sacred mysteries, so much so that, were anyone to transgress this rule, **he would there and then disclose that he was associating in sacred things with the excommunicated person;** just as, on the other hand, were a person's name to be excluded from the diptychs, he was thereby branded as excommunicated. (bold added)

the Civil Constitution of the Clergy and a decree of the Sacred Congregation of the Holy Office from May 10th, 1753.

What is a usurper, and what is an intruder? To usurp is to illegally seize by force or violence a position, office, or power. It comes from the Latin word *usurpare*, from *usum* and *rapere*, which literally means "to seize the use." To intrude is to take possession of an office that is not rightfully one's own, especially by stealth. It comes from the Latin word *intrudere*, from *in* and *trudere*, which literally means "to thrust in."

Pope Pius VI's solemn Brief *Charitas quae*, which Fr. Cekada cites here, was written in the context of the French Revolution. The National Constituent Assembly, disciples of the 18th century *philosophes* and imbued with Gallican and Josephist ideas, confiscated the Church's land holdings, abolished tithes and forbade monastic vows and dissolved all ecclesiastical orders and congregations. It sought complete control over the Church in France, desiring to make it subservient to the State.

To bring about this result, the National Constituent Assembly passed a law on July 12th, 1790 known as the Civil Constitution of the Clergy. This law, among other things, completed the destruction of the monastic orders, forbade allegiance to anyone outside France, specifically the Roman Pope, and required that all bishops and priests be democratically elected and confirmed by the State. The National Constituent Assembly required that both the Electoral Assembly (which included Protestants, Jews and atheists) and those elected by it sign a loyalty oath to the Constitution. Those elected were not to seek the confirmation of the Pope, but only to inform him of the election results. It also considered vacant those bishoprics and cures whose occupants were not democratically elected and did not swear to support with all their power the Constitution.

Pope Pius VI rejected this law, as the Church could not tolerate a national legislature, much less one of secularist and revolutionary inclinations, dictating the internal organization of the Church in France. Thirty of France's 131 bishops gave their negative evaluation of the Constitution to the Pope, and signed a document known as *Exposition des principes sur la constitution civile du clergé*, authored by the Archbishop of Tours, Jean de Dieu-Raymond de Cucé de Boisgelin. Pope Pius VI condemned the view of Cardinal de Loménie that one could take the Oath if he lacked mental assent, guaranteeing that this would lead to a schism. The completion of this came from the Pope's condemnation of the Revolutionary regime and repudiation of all the clergy who complied with the Oath.

The Oath constituted a public declaration that signified one believed the French State to have supreme authority in ecclesiastical matters, not the Pope. Those who took the Oath were considered by the Pope

to be absolutely separated from the Church, and the State in kind considered those who failed to take the Oath to be refractory priests forbidden to preach or to preside over marriages, baptisms and other ceremonies. This divided the Catholic population into two camps, Papal loyalists and schismatic Constitutionalists. The schism wasn't healed until the 1801 Concordat between Napoleon Bonaparte and Pope Pius VII, although this produced another schism and led to the creation of the *Petite Église*, also known as the Stevenists.

It is with all this taken into account that we now look at the text. Pope Pius VI in this document officially condemned the Revolution's actions and excommunicated the juring clergy. He gives the reason for condemning the Constitution, which he did in his previous Brief *Quod aliquantum* issued on March 10th, 1791: "For it was intolerable that a political assembly should change the universal practice of the Church, disregard the opinions of the holy Fathers and the decrees of the councils, overturn the order of the hierarchy and control the election of bishops, destroy episcopal sees, and introduce a worse form into the Church after removing the better." He said concerning King Louis XVI that he "repeatedly encouraged him not to confirm the Civil Constitution of the Clergy which would lead his people into error and schism" and that "if he lent his authority to this Constitution, his kingdom would be in schism." He furthermore states that he informed the King that he "would regard any bishops appointed in accordance with its decrees as schismatic and lacking all ecclesiastical jurisdiction."

He says that the majority of the French Episcopate condemned the Constitution in what referred to the government of the Church, and that this "should be regarded as the teaching of the entire French Church." The National Constituent Assembly understood that without the backing of the French Episcopate the Constitutional church would not survive, "for without the bishops the entire appearance of the church would vanish," so it proceeded to decree that "any bishop from a different district could consecrate the elected persons if the metropolitan or senior bishop refused to do so." It furthermore decreed that "all pastors should swear unequivocally that they would observe the Constitution already published and the one which was to be published later," and if they failed to so swear then they "were to be considered expelled from their office, and their sees and parishes were to lose their pastor."

The French Episcopate "agreed that these civil oaths should be regarded as perjury and sacrilege, unbefitting not merely the clergy but any Catholic; all actions which are based on these oaths should be seen as schismatic, null, void, and liable to severe censures." The Pope says that the enemies of religion realized they must convince some bishop "to take the oath to observe the Constitution and to

undertake sacrilegious consecrations and so, to initiate a schism." They convinced four bishops, one Cardinal archbishop and some members of the lower hierarchy to cooperate in this design.

He explains the reason why this conduct would initiate a schism: "For the right of ordaining bishops belongs only to the Apostolic See, as the Council of Trent declares; it cannot be assumed by any bishop or metropolitan without obliging Us to declare schismatic both those who ordain and those who are ordained, thus invalidating their future actions." He says that he condemned the Constitution as heretical, sacrilegious and schismatic, though he refrained for a time from excommunicating the authors of it. He says: "It was Our duty, however, to emphasize that We would be obliged against Our will to declare schismatic all who did not reject the errors We had revealed (the customary procedure of this Holy See in these cases). This threat applied to the authors of the Constitution as well as to those who swore to observe it, whether they supervised the election of new bishops, consecrated those who were elected, or accepted this consecration. For none of these would have either a lawful appointment or be in communion with the Church."

His instructions were disregarded, as he "learned from many sources that the schism had been completed in Paris on February 24th," because "on that day the bishop of Autun, with the assistance of these two bishops, rashly and sacrilegiously consecrated Alois Alexandre Expilly and Claude Eustache Francois Marolles, in a church of the priests of the Oratory without permission of the Ordinary. They had received no commission to do so from the Apostolic See; they omitted the oath of obedience to the Pope; they neglected the examination and confession of faith which are prescribed in the Roman pontifical which should be observed universally; and they broke and despised all laws." Furthermore, these bishops who were consecrated were appointed illegitimately to Sees which were already held and occupied by lawful pastors, as well as to Sees which had "not yet been created episcopal sees by Apostolic Authority."

He explains:

> The proper view regarding men who allow themselves to be elected and consecrated for churches whose bishops are still governing and administering, was well expressed by St. Leo many years ago. In a letter to Julian, bishop of Cos, (chap. 4), he attacked a certain Theodosius who had occupied the see of Bishop Juvenal while he was still alive. "The nature of the deed leaves no doubt about the character of a man who usurps the place of a bishop in his lifetime. It is perfectly clear that he is wicked, since he is loved by the enemies of the faith."

He continues with another reason:

> The Church has at all times rightly rejected men elected by a low mob of the laity, men who share the same wrong opinions as their electors.

He condemns in particular and by name the pseudo-bishop Expilly, who swore the Oath and made a pretense of being in communion with the Pope, and admonished all in the Diocese of Quimper to regard him as their lawful pastor and to embrace the Constitution without reservations.

He admonishes the people of Quimper:

> Therefore, instead of accepting him as their pastor, the people should reject him with abhorrence as an intruder. For he has failed to profess the truth which he must acknowledge; he has begun to put his so-called pastoral duty to bad uses; and lastly he has become so presumptuous as to relax the Lenten observance commanded by the Church, at the end of his pastoral letter. So "he is an imitator of the devil and does not stand firm in the truth, but makes bad use of the appearance and name of the office he has attained," as St. Leo the Great wrote to some Egyptian bishops concerning a similar intruder.

He decrees:

> Imitating the example of Our predecessors, We proclaim that each and every cardinal, archbishop, bishop, abbot, vicar, canon, parish priest, curate and member of the clergy, whether secular or regular, who has purely and simply taken the Civil Oath as ordered by the National Assembly is suspended from the exercise of his office and will act irregularly if he exercises his office unless he abjures his oath within forty days from this date. For the oath is the poisoned source and origin of all errors and the chief cause of the sorrow of the French Catholic church.

He then condemns the elections of all those done in accordance with the Constitution as "unlawful, sacrilegious, and utterly void." He furthermore declares and decrees that their consecrations "were sinful, and are illicit, unlawful, sacrilegious, and at variance with the regulations of the sacred canons," that those so elected and consecrated lack all ecclesiastical and spiritual jurisdiction for the guidance of souls, that they are suspended from all exercise of the episcopal office even "under any pretext of necessity whatsoever," and that all "who gave them help, consent, or counsel at those accursed consecrations have been suspended from the exercise of their priestly, or other, office." If they ignore these statements and act contrary to them, he "will anathematize them and proclaim them as such to

the whole Church, since they are schismatic and cut off from communion with the Church and with Us."

He concludes by telling all:

> Keep away from all intruders, whether called archbishops, bishops, or parish priests; do not hold communion with them especially in divine worship.[43]

In review, those who Pope Pius VI refers to as intruders swore to uphold a Constitution which both the Pope and the French Episcopate condemned as heretical, sacrilegious and schismatic, were installed in bishoprics and cures by the revolutionary State despite these same offices being already legitimately occupied, were warned of their errors and threatened with excommunication and then finally excommunicated by the Pope as *vitandi*.

The next citation is from a decree of the Sacred Congregation of the Holy Office given on May 10th, 1753 concerning the Mission of Tenos in the Peloponnese. Tenos (now known as Tinos) is an island situated in the Aegean Sea, which forms a part of the Cyclades island group. It is part of Greece and was under the rule of the Ottoman Empire when this decree was issued.

The quote is taken from the reply to the first part of the first question, which reads:

> Whether it is lawful (*an liceat*) for Latin Catholics to concede or permit (*concedere vel permittere*) that presbyters of the Greek schismatic and heretical rite celebrate Mass in their churches, and to admit these to the funerals of deceased Catholics.

The reply states:

> It is not lawful: especially since they make commemoration of the Patriarch of Constantinople (*maxime cum Patriarchae Constantinopolitani commemorationem faciant*) and celebrate the feast of the infamous Palamas. For this is tantamount to consenting to their heretical rites (*id enim perinde est ac consentire eorum haereticis ritibus*), and to communicating with them in their sacred rites, polluted with schismatic and heretical taint (*schismatico et haeretico furfure*

[43] Pius VI, *Charitas*, Apostolic Brief, April 13, 1791, Papal Encyclicals Online. Cf. Pius VI, "Charitas quae," April 13, 1791, in *Collectio bullarum, brevium, allocutionum, epistolarumque felicis recordationis PP. Pii VI, contrà constitutionem civilem cleri gallicani, ejusque authores et fautores* (London: Ex officina Cox et Baylis, 1821), 44–56.

> *pollutis*); or at least to affording occasion to Catholics attending the Latin churches of communicating with heretics in divine matters, or at the least of taking scandal.

An instruction is then given from Pope Benedict XIV concerning the matters under discussion, consisting in a transcription of what he wrote in the fifth chapter of the fifth book of his *Tractatu de Synodo Dioecesana*. He explains the constitution of Pope Martin V, *Ad evitanda scandala*, as it pertains to communication *in divinis* with heretics and schismatics, saying that Catholics must not conclude from this constitution that it is lawful for them to have fellowship with heretics and schismatics in sacred and divine matters.[44] He references Pope Paul V's two decrees prohibiting Catholics in England from entering the temples of heretics and assisting at their rites therein.

He comments on what some theologians say concerning this matter:

> We are not indeed unaware that there are theologians who acquit of all fault those Catholics who communicate *in divinis* with heretics and schismatics not denounced by name, and who even receive the Sacraments from them, provided the following circumstances all concur: first, namely, that a most grave and most urgent cause (*gravissima et urgentissima causa*) compels Catholics to the aforesaid communication; secondly, that the heretics or schismatics from whom they seek the Sacraments be validly ordained and administer the sacred rites by the Catholic rite without any admixture of a condemned rite (*absque ulla admixtione ritus damnati*); thirdly, that the communication with them *in divinis* be not an external protestation of false doctrine (*non sit externa protestatio falsi dogmatis*), such as was the entering of Protestant churches, which Paul V forbade to the Catholics of England for that reason — namely because the king's edicts had commanded all to attend the temples of the heretics, so that by such a compact they should profess themselves of one mind with the Protestants (*ut tali pacto se cum protestantibus sentire faterentur*); fourthly and finally, that the communication of Catholics with heretics *in divinis* cause scandal to no one.

He responds to this with the following comment:

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[44] A footnote in the text reads: "What immediately follows is set forth there with some alteration in the aforesaid new edition: 'Although however, by the Canon of the Council of Constance approved by Martin V, which begins *Ad evitanda*, and which has always remained in force, notwithstanding the contrary subsequent constitutions of the Councils of Basel and the Lateran, some relaxation is to be made with regard to heretics who are tolerated and have not been expressly denounced as to be avoided (*nonnihil relaxandum cum haereticis, qui tolerantur et expresse denuntiati non sunt tamquam vitandi*), as Cabassut treats at length in his *Theory and Practice of Canon Law*, book 5, ch. 11, n. 3 and following, Catholics ought not therefore to think *etc.*'"

> But in the first place the aforesaid opinion of the theologians has its adversaries and is not admitted by all as safe in practice: then, even granting it, since all the enumerated circumstances must be simultaneously and jointly present for the fellowship of Catholics with heterodox persons in sacred matters to be devoid of all fault, as [Silvius, de Lugo, Thomas á Jesu, Cardinal Albitius and Cardinal Gottus] teach[.] [I]t is therefore almost impossible to find in practice that Catholics who mingle with heretics and schismatics in sacred matters can be excused from wrongdoing.[45]

We will return to this decree later when we discuss *Ad evitanda scandala* and the teaching of de Lugo.

Fr. Cekada also cites here the second volume of Abp. Francis Kenrick's *Theologia moralis*. The quote is taken from his treatment of excommunication as part of his tract on censures.

> The later Bull of Leo X, by which it was commanded that all who had notoriously incurred the sentence of excommunication should be avoided, has been abrogated by custom. The rest, therefore, are called tolerated, since no one is bound to shun their company.

He says that no persons who have notoriously incurred excommunication are *vitandi* unless they "have been excommunicated by name and publicly denounced (*nominatim sunt excommunicati, et publice denuntiati*) in the church at the time of Mass or a sermon, or otherwise according to the custom of the region, or those who have struck a cleric so notoriously that it can be concealed by no evasion nor excused by any benefit of law."

He concludes, "The rest, therefore, are called *tolerati*, since no one is bound to shun their company." He even includes Freemasons (*Liberi Muratores*) and he "who has been publicly forbidden something under penalty of excommunication, even though it be known to all that he has violated the prohibition: for denunciation after the fact is required (*licet constet omnibus eum vetitum violasse: nam denuntiatio post factum requiritur*)." He quotes St. Alphonsus who says the same thing in regard to heretics:

> Nor does it avail to say that we are bound at least by divine law to avoid the publicly excommunicated, especially heretics, from that passage in Titus III: "A man that is a heretic, after the first and second admonition, avoid." And from the second Epistle of John: "Receive him not into the house, nor say to him, God speed you." For this precept is understood to

[45] Sacra Congregatio Sancti Officii, Decree of May 10, 1753, in *Codicis Iuris Canonici Fontes*, ed. Pietro Cardinal Gasparri, vol. 4, nn. 714–2055 (Rome: Typis Polyglottis Vaticanis, 1923–1939), 83–85.

> apply when there was danger of our being infected by him, or if scandal were present, or if there were hope that the offender would repent through avoidance.

He says, however, that it is not lawful to communicate *in divinis* with heretics and schismatics, "for although certain theologians, interpreting the Constitution of Martin V. more broadly, have taught that this is sometimes lawful, all confess it to be wicked whenever it carries with it the profession of false doctrine or the acknowledgement of a usurped office[46] (*quandocumque falsi dogmatis professionem, vel muneris usurpati agnitionem secum fert*): which is for the most part the case."He references a decree from the Sacred Congregation of the Holy Office given on December 5th, 1668[47] and another given on August 7th, 1704[48] which forbid attending the Masses and other divine offices in the churches of schismatics, even "for those very places in which Catholic priests are not to be found, and concerning prayers containing nothing contrary to the Catholic faith and rite (*et de orationibus nihil contra fidem et ritum catholicum continentibus*)." He also references the decisions of Pius VI in

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[46] That this comment refers more properly to the minister conducting the worship rather than to those he may happen to commemorate whilst saying Mass, is clear from what Rev. John Bancroft, C.Ss.R. says, responding to the opinion of Vermeersch, in his dissertation, *Communication in Religious Worship with Non-Catholics*, p. 43:

> This opinion, however, seems to consider the unauthorized ministers only as excommunicated individuals, and not as ministers representing a religious sect. Hence, we believe that a violation of the divine law is concerned in such communication when the minister is not representing the Church, because of the recognition of an unauthorized sect and minister.

[47] Sacra Congregatio Sancti Officii, Decree of December 5, 1668, in *Collectanea S. Congregationis de Propaganda Fide seu Decreta Instructiones Rescripta pro Apostolicis Missionibus*, vol. 1 (Rome: Typis Polyglottis Vaticanis, 1893), 54. The text of the decree is as follows:

> The Bishop of Tribun is to instruct the Catholics subject to him not to attend Masses and other divine offices in the churches of the schismatics (*in ecclesiis schismaticorum*), and is to warn them that, in the event of the absence of a Catholic Mass, they are not bound by the precept of hearing Mass (*in casu carentiae Missae catholicorum non teneri praeceptum Missam audiendi*).

The marginal note reads: "*Attendance at the churches of schismatics is unlawful* (accessus ad ecclesias schismaticorum illicitus).

[48] Sacra Congregatio Sancti Officii, Decree of August 7, 1704, in *Collectanea S. Congregationis de Propaganda Fide seu Decreta Instructiones Rescripta pro Apostolicis Missionibus*, vol. 1 (Rome: Typis Polyglottis Vaticanis, 1893), 91. The relevant text of the decree is as follows:

> 1. Whether the decree by which Catholics are prohibited from attending the Masses and prayers of schismatics (*prohibetur catholicis schismaticorum Missis et eorum orationibus interesse*) is to be understood as applying also to places in which no Catholic priests are to be found (*non reperiuntur sacerdotes catholici*), and with regard to prayers which contain nothing contrary to the Catholic faith and rite (*nihil contra fidem et ritum catholicum habetur*). R. To 1. His Holiness decided: Affirmative.

The marginal note reads: "*On the prohibition of attending the Masses and prayers of non-Catholics* (interveniendi Missis et precibus acatholicorum)."

1791 and 1792 regarding the juring clergy in France, which decreed the same as the Holy Office "concerning intruders and those refractory to ecclesiastical authority (*de intrusis et refractariis ecclesiasticae potestati*), on the occasion of the oath prejudicial to the rights of the Church which certain presbyters took at the command of the French government, at a time of disturbance."[49]

The same difficulty we noted above with drawing an analogy from the Acacian schism is also found here, i.e. a false equivalency. The juring clergy were excommunicated by the Pope as *vitandi*, and they were condemned as formal schismatics who constituted a false sect. Furthermore, those who intruded themselves into the ecclesiastical offices of the Church in France and usurped the powers annexed thereto did so whilst the legitimate officeholders were alive and well. In the case of Prevost and the Conciliar bishops, in addition to the absence of a judicial process with regard to their alleged heresy and excommunication, there is at least common error of fact with regard to their having a title to the offices they occupy. In addition, those who adhere to the Thesis of Cassiciacum hold that Prevost has been validly elected to the Roman See, as well as the Conciliar bishops with respect to their diocesan bishoprics, therefore they are not properly speaking usurpers or intruders, but rather the lawful occupants.

Scandalum

As far as **giving scandal** is concerned, Fr. Cekada argues that the attendant congregation, by the very fact that they actively assist at the Mass, lead others to believe that they agree with the commemoration of the current occupant, or that the practice is morally indifferent, and if indifferent, that the identity of the Roman Pontiff and actual subjection to him is a matter of no practical consequence. He classifies this as an instance of indirect scandal. To prove this, he cites Revs. McHugh and Callan's *Moral Theology*, Merkelbach and an instruction of the Sacred Congregation for the Propagation of the Faith given in 1729.

The first citation is taken from McHugh and Callan's treatment concerning the sin of scandal.[50] We will omit the text, as their treatment does not substantially differ from Merkelbach's in his *Theologia moralis*, specifically the section where he discusses the sins opposed to beneficence.

Beneficence is "nothing other than doing good to someone (*nihil aliud est nisi bonum facere alicui*)." It is *the external act or effect of charity* (actus seu effectus externus charitatis) since, benevolence being

[49] Francis Patrick Kenrick, *Theologia moralis*, vol. 2 (Mechlin: H. Dessain, 1861), 366.
[50] John Ambrose McHugh, O.P., and Charles J. Callan, O.P., *Moral Theology: A Complete Course Based on St. Thomas Aquinas and the Best Modern Authorities*, vol. 1 (New York: Joseph F. Wagner, 1958), 492–493, 583–587.

included in love, he who loves a friend as himself wishes him good as he wishes it to himself. The will brings about what it wishes when it can, therefore benevolence differs from beneficence only as the interior act from the exterior act.

There are many sins opposed to beneficence, but against charity in particular is scandal. This word signifies a stumbling-block (*offendiculum*), *actively* it is taken as the placing of a stumbling-block "in the path against which one stumbling with the foot is disposed to fall or to ruin (*in via cui pede impingens disponitur ad lapsum seu ruinam*)," and passively as the actual striking against the stumbling-block, or the offending of the foot. "In the theological sense, actively it is the placing of an action which disposes someone to spiritual ruin (*positio actionis quae disponit aliquem ad ruinam spiritualem*); passively it is the fall itself, or spiritual ruin, on account of the action of another."

Active scandal is defined: "*A word or deed less than upright affording occasion of spiritual ruin* (dictum vel factum minus rectum praebens occasionem ruinae spiritualis)." *Less than upright* here refers to a word or deed "which is in itself evil or at least has the appearance of evil (*quod secundum se malum est vel saltem mali speciem habet*); [...] for nothing disposes to spiritual ruin save according as it has a defect of rectitude (*nisi secundum quod habet defectum rectitudinis*), because that which is properly upright more fortifies a man against falling than leads him to ruin." It is *affording occasion of spiritual ruin* because (a) only the sinner's will is the efficient cause (*causa efficiens*) of his own sin, (b) merely sinning before others does not suffice, nor is it required that the ruin of one's neighbor actually follow, only that an occasion be afforded him, i.e. "that the action be always or in these circumstances *of itself* apt to move him to sin (*ut actio vel semper vel in his circumstantiis* de se *nata sit illum ad peccatum commovere*)." However, "if the action does not move of itself but someone is moved to sin *per accidens* on account of it through his own disposition (*sed per accidens propter ipsam quis moveatur ad peccandum ex propria disposition*), the scandal will not be active but passive only."

It is mortal by its kind (*ex genere suo*), because it can be venial on account of the imperfection of the act (*imperfectionem actus*) and on account of the smallness of matter (*parvitatem materiae*).

It is also divided by reason of efficacy (*ratione efficaciae*) into *direct* and *indirect* scandal, i.e. "when someone is the true moral cause (*vera causa moralis*) of the sin of his neighbour" and "when someone performs an action that is less than upright and which is only the probable occasion (*solum probabilis occasio*) of sinning for his neighbour, such as a wicked example."

It is further divided by reason of intention (*ratione intentionis*) into *directly* and *explicitly intended* scandal, whether it be *formally* and *per se intended* (as end), which would be diabolical scandal, or

simply intended (as means), and *implicit* or *interpretative* scandal, "if someone does not intend the sin of another but merely performs an action that is less than upright, from which it can probably be feared that another may be drawn to sin."

St. Thomas calls diabolical scandal "active *per se*", i.e. *ex intentione agentis seu ex parte operantis* while every other active scandal, even direct, he calls "scandal *per accidens*," although elsewhere he says that every active scandal is a cause of sinning *per se*, *ex parte operis.*

Passive scandal, or occasioned scandal (*scandalum occasionatum*) is "the very spiritual ruin of one's neighbour on the occasion of a word or deed of another (*ipsa ruina spiritualis proximi occasione dicti vel facti alterius*)."

It is *accepted because given* (acceptum quia datum), or *merely accepted* (acceptum tantum). It is the first if the sin of one's neighbor arises from active scandal, it is the second if it does not, either through malice alone (*pharisaical* scandal) or from ignorance and infirmity alone (scandal of the *pusillanimous* or weak).

We are obliged to avoid passive scandal from the law of charity (*ex lege charitatis*) which obligation is grave of its kind (*ex genere suo gravis*), which means "omitting those things from which one's neighbour is about to take occasion of sin, whenever there is no sufficient reason (*ratio sufficiens*) for placing the act and permitting (*permittendi*) the spiritual ruin of one's neighbour."

Merkelbach gives various examples, the following being most pertinent to our discussion:

> [A] greater cause is required that a cleric should be the occasion of sin and permit it, than that a layman should permit the same; a greater cause is required for permitting the scandal of the pusillanimous than the pharisaical[.]
>
> I. *In order to avoid scandal accepted because given:*
> a) Every work which actively scandalizes is always to be omitted, if it is *evil.*
> b) Also a work which has only the *appearance of evil* is generally to be omitted, unless there be an urgent and grave reason (*nisi adsit urgens et gravis ratio*).
>
> This reason ordinarily sufficiently (*ordinario sufficienter*) removes the scandal; but if it should not suffice for this, then the occasion of ruin is to be removed, as far as it is within the power of

the agent (*quantum est in potestate agentis*), e.g. by admonishing one's neighbour of the uprightness of the action by reason of a dispensation, an excusing cause, etc.

b) Precepts of positive law are certainly not to be omitted frequently, because this would be a grave inconvenience (*grave incommodum*) to which charity does not oblige; but they are more probably to be omitted once or twice, grave inconvenience being excluded, because the precept of avoiding scandal, which is of natural law, presses of itself more than positive precepts.

c) Works of counsel or *indifferent works,* provided they can be done without great inconvenience, are to be omitted *once* or *twice,* or concealed (*occultanda*), or deferred for some time until the reason for the action has been made known to one's neighbour; but if after admonition the scandal persists, it is deemed pharisaical (*si autem post monitionem manet scandalum, censetur pharisaicum*).

Merkelbach continues after this and mentions "he who seeks sacraments from an excommunicated priest who is to be avoided, or absolution from a priest lacking jurisdiction (*ita qui petit a sacerdote excommunicato vitando sacramenta, aut a sacerdote iurisdictione carente absolutionem*)" as examples of active scandal which is always sinful, "because this is intrinsically evil as being *directly* inducing to sin or at least to the exercise and continuance of sin."

However, he mentions that one is excused from the guilt of passive scandal who seeks a work from another which can indeed be done without sin but which another will certainly or probably not do without sin. "Hence out of necessity or sufficiently great utility (*ex necessitate vel sat magnam utilitatem*) it is lawful to seek sacraments from a sacrilegious priest (*sacerdote sacrılego*), especially if be a parish priest (*parochus*)[.]" He also says that one is excepted from the guilt of passive scandal "who deliberately places something which will be an occasion of sin for another… if it is done for a just and proportionate cause (*si fiat iusta et proportionata causa*), provided the action is not actively inducing to sin and is indifferent (*indifferens*)."[51]

We see from all of the above that we are not always obliged to avoid giving indirect scandal, nor are we always obliged to avoid others taking scandal at our otherwise blameless conduct through their own disposition.

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[51] Benedictus Henricus Merkelbach, O.P., *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 1, *De principiis*, 8th ed. (Bruges: Desclée de Brouwer, 1949), 707–708, 730–742.

The last citation is from a 1729 instruction of the Sacred Congregation for the Propagation of Faith given to the missionaries of the East. We will examine this text in full to see if it is being accurately presented.

The marginal note for the instruction says that it is "concerning communication *in divinis* with heretics and schismatics (*de communicatione in divinis cum haereticis et schismaticis*)."

It states that communication *in divinis* between Catholics and heretics and schismatics is not lawful (*non licere*), since although cases might be devised speculatively (*speculatice*) in which some communication *in divinis* might be tolerated, nevertheless in practice (*practice*), all of the circumstances of the case being present, only with the greatest difficulty (*difficillime*) could cases be found in which such communication would be morally licit. Therefore, "communication *in divinis* with heretics and schismatics must regularly (*regulariter*) be held illicit in practice, either on account of the danger of perversion in the Catholic faith, or on account of the danger of participation in the heretical and schismatic rite, or finally on account of the danger and occasion of scandal." Such circumstances render communication *in divinis* with heretics and schismatics "universally forbidden by natural and divine law, in which neither any authority can dispense nor any connivance excuse." It is for this reason that in a prior instruction it was said: "Missionaries are to be instructed that they must altogether abstain from protestative acts of a false sect (*actibus protestativis falsae sectae*), from communication in the schismatic and heretical rite, from the danger of perversion, and from the occasion of scandal."

The instruction continues and says that the faithful are to be instructed and exhorted "to avoid these dangers which regularly, either all or some, are incurred in communication *in divinis* with heretics and schismatics of the East." These same heretics and schismatics for the most part have preserved the substance and validity of the Sacraments, but nevertheless do not permit "that Catholics should give those outward signs of disapproval and separation (*improbationis et segregationis signa exterius*) which they ought," and it is for this reason that "outward conformity in the same worship (*exterior illa conformatio in eodem cultu*) and reverence towards the pseudo-ministers of the liturgy cannot free anyone, however firm in the faith and however abhorrent of the heretical and schismatic rites which infect their worship (*et ritus haereticos vel schismaticos, quibus eorum cultus inficitur, exhorrentem*), from the danger of scandal."

It goes on to confirm what has already been said, and this is the part partially cited by Fr. Cekada. We will give it in full:

> This is further confirmed by the fact that scarcely any rite is found among the heterodox which is not tainted by some error in a matter of faith (*qui aliquo errore in materia fidei non maculetur*:): for in their churches there is either a dedication in memory of some schismatic or heretical saint, or images are found, or relics venerated, or feasts celebrated of those who died in schism and are popularly regarded as saints, or finally a commemoration is made of living Patriarchs and Bishops and Ministers and heretics, who are commended as *preachers of the Catholic faith* (*vel denique commemoratio fit viventium Patriarcharum, et Episcoporum, et Ministrorum, et haereticorum, qui ut* fidei catholicae praedicatores *commendantur*). For which reason those Catholics who take part in such a rite and in the celebration of such prayer and worship cannot be preserved from the guilt of perverse communication, or at least from the danger of scandal (*reatu perversae communicationis, aut saltem periculi scandali*). Nor does the pretext of a merely material assistance excuse them; for by the very act it is manifest, and to be present at that function of heretics or schismatics infers that they sufficiently agree with them in unity of prayer, in unity of worship, in unity of veneration and observance towards the perverse ministers of the aforesaid heresy and schism (*facto enim ipso exluitur, atque illo functioni adesse hareticorum, aut schismaticorum inferunt, satis cum ipsis convenire in unitate orationis, in unitate cultus, in unitate venerationis et obsequii erga perversos ministros haeresos schismatisque praefatorum*).
>
> This is also made plain from the fact that the orientals themselves hear daily, hear with their ears, and confess with their mouths, that no member of a sect confirmed in schism (*nullum nempe sectarium obstirmatum in schismate*) approaches, attends, or convenes in the churches of Catholics, either to hear Mass or to receive a sacrament, for the reason that they regard the gatherings of the faithful as worthy of blasphemy and regard communion and intercourse with them as illicit communication. Now when they see Catholics approaching their churches, assisting at their rites, and partaking of their sacraments, ought it not to be believed or at least feared that they are thereby further confirmed in their errors and persuade themselves that they are walking upon the right path in matters of salvation? From which it follows (*ex quo sequitur*) that the danger of pernicious scandal to the schismatics and heretics themselves can with the greatest difficulty be avoided: and consequently that it is sinful for a Catholic to communicate with them *in divinis* in this specific type of case (*ac proinde catholicum illorum in hac conscientia esse, si cum iis in divinis in hac facti specie communicet*).

The instruction concludes with a rebuttal to the excuse given for communication *in divinis* with heretics and schismatics arising from "the persecution which Catholics undergo from schismatics and heretics by abstaining from their churches and functions." This is dismissed as vain and for the most

part groundless "for the reason that persecution itself is equivalent to an interrogation of the faith (*persecutio ipsa aequivalet interrogationi fidei*).[52]

It is conspicuous how much context Fr. Cekada omitted in citing this instruction, as well as his mistranslation of the Latin word *denique*, which he renders as "especially" instead of "finally." The word for "especially" would be *praesertim* or *praecipue*, not *denique*.[53]

The circumstances we find ourselves in are unprecedented: those who, according to all appearances, have succeeded to the place of the Apostles in the governance of the Church have, in practice, defected from the Divine mission entrusted to those same Apostles. Even from the very highest place, the Roman Pontificate, we hear not the voice of Peter but rather that of Judas.

The faithful are left perplexed: ought they to separate themselves from those who, putatively, are their doctors and pastors and flee to those who resist them? Their *sensus Catholicus* tells them to at least avoid the reformed religion, viz. its doctrine, worship and discipline.

This being taken into account, there is a general confusion about what is and is not permitted to the faithful. For example, are they at liberty to attend the Holy Week liturgy in accordance with the rubrics in force before the reforms of Pope Pius XII, under the supposition that the reforms in question still bind in conscience? One could argue that to attend the old Holy Week is scandalous for the same reasons Fr. Cekada gave above, viz. that one would lead others to believe that actual subjection to the Roman Pontiff is a matter of no practical consequence. The same could be said regarding attending Episcopal consecrations or priestly ordinations that are done contrary to the letter of the law, as well as tolerating the omission of the Leonine prayers or the refusal to celebrate the Feast of St. Joseph the Worker.

In all these cases, as well as that of being present or actively assisting at an "*una cum* Mass," one can legitimately invoke the principles given above: although the circumstances may lead the weak or pharisaical to take scandal at one's conduct, so long as there is no intention to give them scandal, and so long as there is a proportionate reason for tolerating their taking scandal, one may do that which in itself is either indifferent or good. Now, it is in itself a good act to worship the true God by assisting at

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[52] Sacra Congregatio de Propaganda Fide, Decree of 1729, in *Codicis Iuris Canonici Fontes*, ed. Pietro Cardinal Gasparri, vol. 7, nn. 4428–5822 (Rome: Typis Polyglottis Vaticanis, 1923–1939), 45–47. Cf. Sacra Congregatio de Propaganda Fide, *Collectanea S. Congregationis de Propaganda Fide seu Decreta, Instructiones, Rescripta pro Apostolicis Missionibus*, vol. 1 (Rome: Typographia Polyglotta S.C. de Propaganda Fide, 1893), 99–101.

[53] See: Charlton T. Lewis and Charles Short, "dēnĭquē," in *A Latin Dictionary Founded on Andrews' Edition of Freund's Latin Dictionary* (Oxford: Clarendon Press, 1879), Latinitium, https://latinitium.com/latin-dictionaries/?t=lsn13091.

the offering of the unbloody Sacrifice of the altar by a Catholic priest according to a Catholic rite. Furthermore, as was said earlier, one has a grave obligation, in virtue of the natural and divine positive law, to at least sometimes do this. The graces consequent upon devoutly and attentively hearing Mass and receiving Holy Communion are spiritual goods that are relatively necessary for salvation. To forgo these things on the slight fear that someone may take scandal at one's conduct is inconvenient and unreasonable, especially considering the complex set of circumstances.

Schisma

As far as **implicitly committing the sin of schism** is concerned, Fr. Cekada argues that the attendant congregation, by the very fact that they assist at the Mass, participate in a gravely illicit service and implicitly consent to the notion that submission may be refused to a true Pope.

To prove his assertions he cites a multitude of texts: Cardinal Giovanni Bona's treatise *Traité sur le Saint Sacrifice de la Messe*, Pope Benedict XIV's treatise *De Sacrosancto Missae Sacrificio*, Rev. Felix Cappello, S.J.'s *Tractatus Canonico-Moralis de Sacramentis*, St. Thomas Aquinas' *Summa theologiae*, his own articles on the "home aloner" position, the June-July 2004 issue of the *Remnant* magazine, Merkelbach's *Theologia moralis*, Revs. Francis Wernz, S.J. and Peter Vidal, S.J.'s commentary *Ius canonicum*, Rev. Ignatius Szal's *The Communication of Catholics with Schismatics* and Bp. Donald Sanborn's "Vatican II, the Pope and SSPX: Questions and Answers".

Cardinal Bona, commenting on the *Te igitur*, says:

> And first the celebrant offers for the Church (*pour l'Église*), then for the sovereign Pontiff; for this is indeed the pivot, the seal of the unity of the Church, 'in which,' says St. Cyprian, 'are found only those who are united in heart and belief.' This is a sign of union between the members and their head (*un signe d'union entre les membres et leur chef*); for, writes the same saint, he communicates with the Catholic Church who communicates with the Pope (*qui communie avec le pape*), and from the chair of Peter flows the unity of the sacerdotal ministry.[54]

Pope Benedict XIV, commenting on the *Te igitur*, says:

> Moreover the Priest in this first prayer supplicates God on behalf of the Holy Catholic Church, for the Supreme Pontiff (*pro Summo Pontifice*), for the Bishop, in some places for the King, and

[54] Giovanni Bona, Cardinal, O.C.S.O., *De la liturgie, ou, Traité sur le Saint Sacrifice de la Messe*, vol. 2 (Paris: Vivès, 1874), 189.

> for *all the orthodox, and the cultivators of the Catholic and Apostolic Faith.* [...] After the Priest has prayed for the Catholic Church, he prays for the Supreme Pontiff: *for the unity of the priesthood*, as St. Cyprian says, *arose from the Chair of Peter*.[55]

Fr. Cekada claims that, since the "resistance" clergy (the priests of the FSSPX, its affiliates, and many independent priests) have not received any legitimate deputation (proper authorization) from the Church, i.e. from the Roman Pontiff, they sin when they administer the sacraments and do not offer Mass in the name and person of the whole Church[56]. He concludes from this that they are separated and cut off from the Church, and as such the prayers they say during Mass have no efficacy.

Rev. Felix Cappello, S.J., in the section titled "Whether and in what sense priests cut off and rejected by the Church (*ab Ecclesia praecisi et reiecti)* validly offer the sacrifice," says:

> For the sacrificial action consists in the consecration itself (*in ipsa consecratione*), and one aspect (*ratio*) cannot be in reality (*reipsa*) separated from the other, if the consecration of both species is accomplished; therefore he who validly consecrates or confects the sacrament of the Eucharist also validly offers the sacrifice. [...] Wherefore, just as a consecration made by any priest whatsoever who is cut off (*quocumque sacerdote praeciso*) is valid, so likewise a sacrifice offered by any priest whatsoever who is cut off is a true (*verum*) sacrifice.

His comments most pertinent to our discussion are the following:

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[55] Benedict XIV, *De sacrosancto Missae sacrificio libri tres: accedunt Appendices ex operibus SS. Domini petitae* (Madrid: Ex Officina Typographica Viduæ D. Joachimi Ibarra, 1791), 118.

[56] Cf. Giovanni Bona, Cardinal, O.C.S.O., *De sacrificio missae: tractatus asceticus* (Waterford: Impensis Johannis Bull, 1810), 18–19:

> The second offerer is the Catholic Church herself, whose priest is the Minister, and in her all the faithful who are not excommunicated (*non excommunicati*), who also in some manner (*aliquâ ratione*) are offerers through the priest, not as through a Minister, but as through a legate or mediator (*non tanquam per Ministrum, sed tanquam per legatum seu mediatorem*). For just as the whole Commonwealth is said to act in whatever its Legate does in its name: so all Catholics are said to offer sacrifice, because in their name the Priest offers sacrifice in the person of the whole Church (*quia ipsorum nomine in personâ totius Ecclesiæ Sacerdos sacrificat*). Not however all in the same manner: but some habitually only, namely those who are neither present at the sacrifice nor think of it; yet because they are united to the whole Church through charity (*quia tamen uniti sunt toti Ecclesiæ per charitatem*), they are deemed habitually to do the same as she does. Others causally, by commanding and taking care that someone offer sacrifice, which happens most of all in those who give alms for this purpose. Others finally actually, those who are actually present at the sacrifice.

> Priests who are cut off, although they validly sacrifice in the name of Christ (*nomine Christi*), do not however offer the sacrifice as ministers of the Church and in the person of the Church itself (*ut Ecclesiae ministri et in persona ipsius Ecclesiae*). For the priest has from the commission of the Church (*ex commissione Ecclesiae*) the function of praying in her name, interceding, and offering, and as regards this the Church can deprive a priest who is cut off of the right to sacrifice in her name.
>
> In order that this may appear more clearly, it is necessary (*oportet*) to distinguish in the Mass the substance of the sacrifice from the other prayers and ceremonies. In those things which pertain to the institution of Christ, that is, in the substance of the sacrifice, the priest bears the person of Christ and acts in His name as a minister. Furthermore, the Church can in no wise deprive (*nullatenus privare potest*) a priest of this kind of function (*munere*), even though she can choose not to concur, nor to consent with him, nor to will, as far as in herself lies (*quantum in ipsa est*), to offer through him.
>
> But in those things which pertain to the institution of the Church, namely in the prayers and ceremonies, the priest properly conducts himself as a minister of the Church, in whose person he speaks and acts; and therefore by the same Church he can be entirely deprived of such ministry (*potest omnino tali ministerio privari*).

Regarding the efficacy and fruits of the Sacrifice, he says:

> Accordingly, from the sacrifice of the Mass which a priest who is cut off offers, the fruit comes from the work performed (*ex opere operato*), but not from the work of the working Church (*ex opere operantis Ecclesiae*).[57]
>
> Whether however the fruits come from the work of the working priest (*ex opere operantis sacerdotis*) is to be distinguished as follows: if the celebrant is in good faith and in the state of grace (*in bona fide et in statu gratiae*), this fruit is had, in proportion to the greater or lesser devotion and attention of the same; otherwise, it is lacking on account of his fault (*propter*

[57] Cf. Joseph Pohle, *The Sacraments: A Dogmatic Treatise*, vol. 2, *The Holy Eucharist*, adapted and ed. Arthur Preuss (St. Louis: B. Herder, 1919), 388:

> To this special sacrificial activity of the Church, offering up the Holy Sacrifice together with Christ, there corresponds as a special fruit an ecclesiastico-human merit, which, as De Lugo points out, is lost when Mass is said by an excommunicated or suspended priest, because such a priest no longer acts in the name and with the commission of the Church.

> *culpam*), because the priest who knowingly (*sciens*) celebrates in a state of sin obtains nothing by this action of his in so far as it is personal (*quatenus personalis est*), being as it is most highly sacrilegious (*summe sacrilega*), but rather arouses and increases the divine wrath against himself.

He continues:

> Who are the priests cut off from the Church? In the first place there are certainly (*certe*) priests who are publicly or notoriously (*publice seu notorie*) apostate, or heretical, or schismatic, in that they are actually outside of communion with the Church (*cum actu versentur extra communionem cum Ecclesia*).
>
> Whether priests who secretly profess (*occulte profitentur*) apostasy or heresy or schism are to be considered as cut off or not depends upon the resolution of another question, namely whether the aforesaid persons are outside communion with the Church or not.
>
> The more common opinion (*communior sententia*) holds that they are not excluded (*non excludi*) from the body of the Church. We subscribe to this opinion as being more true (*veriori*); therefore we consider that priests who are secret heretics (or apostates) are not to be regarded as cut off from the Church.[58]
>
> Those more truly (*verius*) considered as cut off are the excommunicated who are to be avoided (*vitandi*).

Regarding *tolerati* excommunicates, he says:

> [W]e hold: 1º that tolerated (*toleratos*) excommunicated priests, before a condemnatory or declaratory sentence, are not to be held as cut off, although, according to the prescription of can. 2262, § 1, they do not become partakers of 'indulgences, suffrages, and public prayers of the Church,' and thus one of the principal foundations collapses (*corruat*) upon which under the old law the Doctors relied to prove that they were not excluded from the body of the Church [...] The reason for the first is that, although the excommunicated person is deprived of the active use (*usu activo*) of the sacraments and sacramentals, the faithful can for any just cause (*ex qualibet iusta causa*) seek from him the sacraments and sacramentals (can. 2261, § 2);

[58] See Mr. Eric Hoyle's article, "Heresy and the Pope Heretic Question" for sources on this subject.

> from which legal prescription it is clearly gathered that such an excommunicated person is not considered by the Church as cut off.[59]

We see from this quote that only those who are public and notorious schismatics, heretics or apostates are to be considered cut off and rejected by the Church and incapable of praying, interceding and offering in Her name. Unless it can be established that the "resistance" clergy fit into one of these categories, the argument does not follow that they are incapable of acting *in persona seu nomine totius Ecclesiae.*

St. Thomas Aquinas, in his treatment of the Holy Eucharist, specifically regarding the minister of this Sacrament, answers the question, "Whether heretics, schismatics, and excommunicated persons can consecrate?" He says:

> Some have contended that heretics, schismatics, and the excommunicate, who are outside the pale of the Church (*extra Ecclesiam*), cannot perform (*conficere*) this sacrament. But herein they are deceived, because, as Augustine says (Contra Parmen. ii), 'it is one thing to lack something utterly (*aliquid omnino non habere*), and another to have it improperly (*non recte*)'; and in like fashion, 'it is one thing not to bestow, and quite another to bestow, but not rightly.' Accordingly, such as, being within the Church (*intra Ecclesiam constituti*), received the power of consecrating the Eucharist through being ordained to the priesthood, have such power rightly indeed (*recte quidem*); but they use it improperly if afterwards they be separated from the Church by heresy, schism, or excommunication. But such as are ordained while separated from the Church, have neither the power rightly, nor do they use it rightly. But that in both cases they have the power, is clear from what Augustine says (Contra Parmen. ii), that when they return to the unity of the Church (*cum redeunt ad unitatem Ecclesiae*), they are not re-ordained, but are received in their orders. And since the consecration of the Eucharist is an act which follows the power of order, such persons as are separated from the Church by heresy, schism, or excommunication, can indeed consecrate the Eucharist, which on being consecrated by them contains Christ's true body and blood; but they act wrongly, and sin by doing so (*peccant facientes*); and in consequence they do not receive the fruit of the sacrifice (*ideo fructum sacrificii non percipiunt*), which is a spiritual sacrifice.

A little further down, he says that "the sacrifice is offered wrongly outside the Church. Hence outside the Church there can be no spiritual sacrifice that is a true sacrifice with the truth of its fruit (*non potest*

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[59] Felix M. Cappello, S.J., *Tractatus canonico-moralis de sacramentis*, vol. 1 (Turin: Marietti, 1953), 495–498.

esse spirituale sacrificium, quod est verum veritate fructus), although it be a true sacrifice with the truth of the sacrament; thus it was stated above (III:80:3), that the sinner receives Christ's body sacramentally, but not spiritually."

The third objection reads:

> Further, it does not seem feasible for one outside the Church to act on behalf of the Church (*in persona totius Ecclesiae*). But when the priest consecrates the Eucharist, he does so in the person of the entire Church, as is evident from the fact of his putting up all prayers in the person of the Church. Therefore, it seems that those who are outside the Church, such as those who are heretics, schismatics, and excommunicate (*scilicet haeretici et schismatici et excommunicati*), are not able to consecrate the Eucharist.

He replies thusly:

> The priest, in reciting the prayers of the mass, speaks instead of the Church (*quidem loquitur in persona Ecclesiae*), in whose unity he remains; but in consecrating the sacrament he speaks as in the person of Christ, Whose place he holds by the power of his orders (*per ordinis potestatem*). Consequently, if a priest severed from the unity of the Church celebrates mass, not having lost the power of order, he consecrates Christ's true body and blood; but because he is severed from the unity of the Church (*sed quia est ab Ecclesiae unitate separatus*), his prayers have no efficacy.[60]

If we look at the rest of his treatment of the Holy Eucharist, we see that the "truth of its fruit" here refers to the fruit of the Sacrifice as produced by the minister insofar as he acts in the person of the whole Church and in his own person. Those priests who are outside the pale of the Church are not only unable to act in Her name when they offer the Sacrifice, but are presumed to be culpable for their separation from Her, and therefore to be bereft of a living faith, and consequently commit the sin of sacrilege by confecting, receiving and administering the Holy Eucharist.[61]

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[60] Thomas Aquinas, *Summa Theologiae*, III, q. 82, a. 7, Aquinas Institute.

[61] E.g., Thomas Aquinas, *Summa Theologiae*, III, q. 80, a. 1, Aquinas Institute:

> I answer that, There are two things to be considered in the receiving of this sacrament, namely, the sacrament itself (*ipsum sacramentum*), and its fruits (*effectus ipsius*), and we have already spoken of both (III:73 and III:79). The perfect way, then, of receiving this sacrament is when one takes it so as to partake of its effect (*eius effectum*). Now, as was stated above (III:79:8), it sometimes happens that a man is hindered (*impeditur*) from receiving the effect of this sacrament; and such receiving of this sacrament is an imperfect one. Therefore, as the perfect is divided against

While we are on the subject, it is worth noting what de la Taille said about priests who are cut off from the Church and deprived of their office:

> Just as a person who is baptised cannot be so completely cast out from the Church as to be IN EVERY WAY as the heathen and the publican; but, if he enters into lawful marriage, his marriage will be sacramental; if he receives the Eucharist, his communion will be sacramental (a thing not to be thought of in case of the heathen); so, too, and even much more so, a priest, though cut off ever so much from the Church, STILL RETAINS THAT MINISTERIAL UNION WHEREBY, HAVING ONCE BEEN CONSTITUTED BY GOD THE AGENT (*procurator*) OF THE CHURCH FOR THE OFFERING OF SACRIFICE, HE REMAINS THE AGENT OF THE CHURCH FOR ALL TIME (1); the Church doing through him whatever he attempts, even unlawfully, to do, through the power of the commission entrusted to him by God. He is and remains the organ of the body. The body may ban the organ, the organ may forsake the body, but it is still the organ, and whatever it does or desires to do as organ is done as from the Church.

The footnote here reads:

> (1) His agency is irrevocable and his commission cannot be lost because, although induced by the ordination conferred by men (that is, by the prelates of the Church, either immediately in the case of the legitimately ordained, or mediately in the case of those ordained outside of unity), it is nevertheless given UNDER THE SEAL OF GOD. That seal and CHARACTER, once impressed, cannot be effaced by man. Hence the charter appointing one an agent or representative of the Church, in other words, appointing him priest, is eternal.[62] [63]

> the imperfect, so sacramental eating, whereby the sacrament only is received without its effect (*sine effectu ipsius*), is divided against spiritual eating, by which one receives the effect of this sacrament, whereby a man is spiritually united with Christ through faith and charity (*quo spiritualiter homo Christo coniungitur per fidem et caritatem*).

[62] Maurice de la Taille, S.J., *The Mystery of Faith*, book 2, *The Sacrifice of the Church*, trans. Joseph Carroll and P. J. Dalton (London: Sheed & Ward, 1950), 394.

[63] As de la Taille in his thesis here touches upon the controversy between the Thomists and Scotists on the principal offeror of the Mass, we will direct the reader for further study to Rev. Francis Clark, S.J.'s *Eucharistic Sacrifice and the Reformation*, pp. 323-341, as well as Rev. August Croegaert's *The Mass: A Liturgical Commentary*, Vol. II, pp. 29-64. It is worth noting that the Scotists were said to have exaggerated the juridical element involved in the offering of sacrifice, and that none seem to have taught the notion that *the Pope* is the principal offeror of the Mass. See also Mr. F.X. Lamoureaux's article "Una quicum?" for more discussion.

The teaching of de la Taille is relevant to our discussion, because he is cited frequently by Fr. Cekada, either directly in this article or indirectly in other works cited by him. He is cited approvingly, even in this very thesis, by Bp. Sanborn in his article "Communion," which was the basis of the original "*una cum*" article he wrote that Fr. Cekada cites in this part.

Fr. Cekada anticipates the obvious objection to his claim about the "resistance" clergy, which is that if the unity of the sacerdotal ministry descends from the throne of Peter, who has deputed, authorized or commissioned sedevacantist priests to confer the Sacraments, to pray, to intercede and to offer the unbloody Sacrifice of the altar in the name and the person of the whole Church? He claims that they "enjoy a legitimate deputation and mission for the sacraments they confer" in virtue of the principles of epikeia, intrinsic cessation of the binding force of law, the obligation in charity arising from the possession of Orders and necessity (common need).[64]

Fr. Cekada cites here the three articles he wrote against the "home aloner" position. Those who adhere to this position refer to themselves as stay-at-home Catholics or recusants because they refuse to communicate *in sacris* with ordained ministers affiliated with the traditional movement.

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[64] This claim appears to be indistinguishable, at least *prima facie*, from the hypothesis of an extraordinary mission or immediate commission from Christ, which hypothesis was universally rejected as contrary to the Church's immutable constitution by Counter-Reformation theologians when it was first posed by the Calvinists. The overemphasis, to the point of exaggeration, on the juridical element of public worship naturally produces this conclusion. It being impossible to demonstrate such a mission apart from working miracles or fulfilling public prophecy, the logical conclusion would be that *even today* no one offers Sacrifice as a representative of the Church, which would amount to a liturgical defection of the Church, viz. a failure in Her mission to offer an acceptable, pleasing and efficacious Sacrifice until the consummation of the world. Such a conclusion is heretical, as should be obvious. Cf. the doctrine of the Council of Trent expressed in Session 22:

> He, therefore, our God and Lord, though He was about to offer Himself once on the altar of the cross unto God the Father, by means of his death, there to operate an eternal redemption; nevertheless, because that His priesthood was not to be extinguished (*extinguendum non erat*) by His death, in the last supper, on the night in which He was betrayed,—that He might leave, to His own beloved Spouse the Church, a visible sacrifice, such as the nature of man requires (*ut dilectae sponsae suae ecclesiae visibile, sicut hominum natura exigit, relinqueret sacrificium*), whereby that bloody sacrifice, once to be accomplished on the cross, might be represented, and the memory thereof remain even unto the end of the world (*ejusque memoria in finem usque saeculi permaneret*), and its salutary virtue be applied to the remission of those sins which we daily (*quotidie*) commit,—declaring Himself constituted a priest for ever, according to the order of Melchisedech, He offered up to God the Father His own body and blood under the species of bread and wine; and, under the symbols of those same things, He delivered (His own body and blood) to be received by His apostles, whom He then constituted priests of the New Testament; and by those words, *Do this in commemoration of me*, He commanded them and their successors in the priesthood, to offer (them); even as the Catholic Church has always understood and taught (*uti semper catholica ecclesia intellexit et docuit*).

The priests of the FSSPX of course make similar arguments to justify their ministry, as evidenced by articles published in the *Courrier de Rome* by the pseudonymous author Hirpinus. These are difficult to track down, but I'm presuming that the articles being referred to by Fr. Cekada are here and here. An article by Hirpinus published in the same year as the *Remnant* reprint is here.

The position espoused by Hirpinus may be summed up as follows: the faithful of Christ find themselves in a state of *grave general necessity* without hope of being assisted by the legitimate pastors of the Church, i.e. those entrusted with the care of souls and who consequently have a duty *in justice* to provide for the needs of the faithful. They are without hope, because the cause of this state of grave general necessity is the *extraordinary* crisis afflicting the Church since the close of the Council, viz. the *public* and undisputed spreading of "neo-Modernsim" by "neo-Protestant Rome," which has renounced the exercise of authority in condemning errors and extirpating those who err. Consequently, those who are able to assist the faithful of Christ are obliged to do so: the simple faithful in charity only, those who are bishops or priests both in charity and owing to the duties of their state in life. It is therefore justified and even obligatory that bishops be consecrated, priests be ordained, Mass be said, Sacraments be distributed, etc. since otherwise the faithful of Christ would be deprived of spiritual goods necessary for their salvation.

Fr. Cekada dismisses this, however, since he says that the position of the priests of the FSSPX is incoherent, as they consider the legislator and those charged with the care of souls to be present, rather than absent, which he argues *must* be the case for there to a justifying cause in disregarding the letter of the law in exercising the sacred ministry.

The problem with this dismissal is that it confuses the subjective understanding of the individual with the objective reality of the situation. Catholic bishops and priests are justified in continuing the mission of the Church to sanctify souls by offering Mass and administering the Sacraments due to the nature of the situation, not because they have a coherent position on the various aspects of the crisis. The reality is that the faithful find themselves in a case of general necessity due to (1) the ubiquity of the Conciliar church, (2) the scarcity of priests and (3) a state of anarchy (from ἄναρχος, lit. "without a ruler").[65]

My opinion about the matter is that there is a kind of radical deputation rooted in the indelible marks or sacramental characters which are nothing else than certain participations in Christ's Priesthood. The

[65] For a more detailed explanation, see the one of Abbé Hervé Belmont in his *Testament*, pp. 65-67. E.g., he says that "the foundation of the necessary suppliance is not in their judgment (true or false), but in the objective reality (*le fondement de la nécessaire suppléance n'est pas dans leur jugement [vrai ou faux], mais dans la réalité objective*)."

faithful in virtue of their baptism are deputed to receive the things pertaining to the worship of God, and the priests in virtue of their ordination are deputed to bestow on others the things pertaining to the worship of God, for it is by the Sacrament of Holy Orders that men are deputed to confer sacraments on others.[66]

This inherent right in the priest can be impeded, either by separation from the visible unity of the Church or by suspension or excommunication, in such wise that the Church does not consent to offer through him as through an agent or delegate. Since the Church militant currently finds Herself in a state of privation with regard to the actual exercise of authority, all priests who are *actu* and *in re* members of the Church have the power rightly and exercise it rightly, i.e. as ministers of the Church.

As far as these Masses being illicit, this is simply to state what is to be proved, i.e. that the Church has either forbidden the minister from celebrating these Masses or the faithful from attending these Masses. This has not occurred for the very reason that there is a privation of authority, as has already been said. Even if it be argued that the minister is forbidden by a Divine sentence, either because he is guilty of the sin of heresy or schism, no ecclesiastical sentence has forbidden the faithful from hearing his Mass and receiving the Sacraments at his hands.

St. Thomas, concerning whether it is permissible to receive communion from heretical, excommunicate, or sinful priests, and to hear mass said by them, said:

> On the contrary, The Canon says (Dist. 32): "Let no one hear the mass of a priest whom he knows without doubt (*indubitanter*) to have a concubine." Moreover, Gregory says (Dial. ii.) that "the faithless father sent an Arian bishop to his son, for him to receive sacrilegiously the consecrated Communion at his hands (*ut ex eius manu sacrilegae consecrationis communionem acciperet*). But, when the Arian bishop arrived, God's devoted servant rebuked him, as was right for him to do."

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[66] Cf. Hubert Ahaus, "Holy Orders," in *The Catholic Encyclopedia*, vol. 11 (New York: Robert Appleton Company, 1911):

> The principal effect of the sacrament is the character, a spiritual and indelible mark impressed upon the soul, by which the recipient is distinguished from others, designated as a minister of Christ, and deputed and empowered to perform certain offices of Divine worship (Summa III.63.2). The sacramental character of order distinguishes the ordained from the laity. It gives the recipient in the diaconate, e.g., the power to minister officially, in the priesthood, the power to offer the Sacrifice and dispense the sacraments, in the episcopate the power to ordain new priests and to confirm the faithful.

> I answer that, As was said above (Article 5, Article 7), heretical, schismatical, excommunicate, or even sinful priests, although they have the power to consecrate the Eucharist, yet they do not make a proper use of it; on the contrary, they sin by using it (*non tamen ea recte utuntur, sed peccant utentes*). But whoever communicates with another who is in sin, becomes a sharer in his sin. Hence we read in John's Second Canonical Epistle (11) that "He that saith unto him, God speed you, communicateth with his wicked works." Consequently, it is not lawful to receive Communion from them, or to assist at their mass.
>
> Still there is a difference among the above, because heretics, schismatics, and excommunicates, have been forbidden, by the Church's sentence, to perform the Eucharistic rite (*sunt per sententiam Ecclesiae executione consecrandi privati*). And therefore whoever hears their mass or receives the sacraments from them, commits sin. But not all who are sinners (*omnes peccatores*) are debarred by the Church's sentence (*per sententiam Ecclesiae*) from using this power: and so, although suspended by the Divine sentence, yet they are not suspended in regard to others by any ecclesiastical sentence (*quamvis sint suspensi quantum est ex sententia divina, non tamen quantum ad alios ex sententia Ecclesiae*): consequently, until the Church's sentence is pronounced (*usque ad sententiam Ecclesiae*), it is lawful to receive Communion at their hands, and to hear their mass. Hence on 1 Corinthians 5:11, "with such a one not so much as to eat," Augustine's gloss runs thus: "In saying this he was unwilling for a man to be judged by his fellow man on arbitrary suspicion (*ex arbitrio suspicionis*), or even by usurped extraordinary judgment (*extraordinario usurpato iudicio*), but rather by God's law, according to the Church's ordering (*secundum ordinem Ecclesiae*), whether he confess of his own accord, or whether he be accused and convicted."[67]

He mentions the case of the martyr St. Hermenegild above, so we will explain his case in order that we may understand it correctly, as it is often invoked to draw an illustrative analogy by those who espouse the strict "*non una cum*" position.

[67] Thomas Aquinas, *Summa Theologiae*, III, q. 82, a. 9, Aquinas Institute.

St. Hermenegild's biography is given by St. Gregory the Great[68] in his Dialogues. It can also be found in the *Acta Sanctorum*, and Rev. Alban Butler[69] also relates it in his *Lives of the Saints*. He was a public convert from Arianism to Catholicism, as well as a civil ruler, and his father Leovigild, whom he led an armed revolt against, tried every means to bring him back into his heresy. This occurred in the late 500s, two centuries after the anathematization of Arianism and the condemnation of its followers as a false sect. These circumstances are to be kept in mind when reading about his martyrdom.

St. Hermenegild refused to receive the Holy Eucharist from an Arian bishop, firstly because the bishop was a minister of a false sect, secondly because it was the "communion of a sacrilegious consecration," i.e. a consecration done by a formal heretic according to a heretical rite and lastly because it would be taken as a sign by his father that he had renounced the Catholic faith in favor of the Arian impiety,

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[68] Gregory the Great, *Dialogues*, book 3, ch. 31, trans. P. W., rev. ed. (1911), in *Tertullian.org: Fathers of the Church*. The relevant text is as follows:

> When the solemn feast of Easter was come, his wicked father sent unto him in the dead of the night an Arian Bishop, to give him the communion of a sacrilegious consecration (*communionem sacrilegæ consecrationis*), that he might thereby again recover his father's grace and favour: but the man of God, as he ought, sharply reprehended that Arian Bishop which came unto him, and giving him such entertainment as his deserts required, utterly rejected him; for albeit outwardly he lay there in bands, yet inwardly to himself he stood secure in the height of his own soul. The father, at the return of the Arian prelate, understanding these news, fell into such a rage that forthwith he sent his officers of execution to put to death that most constant confessor, in the very prison where he lay: which unnatural and bloody commandment was performed accordingly: for so soon as they came into the prison, they clave his brains with an hatchet, and so bereaved him of mortal life, having only power to take that from him which the holy martyr made small account of.

[69] Alban Butler, *The Lives of the Fathers, Martyrs, and Other Principal Saints*, vol. 4 (London: J. Murphy, 1812), 137–138. The relevant text is as follows:

> There [Leovigild] again employed all manner of threats and promises to draw him back to his heresy, and hoping to overcome his constancy, caused him to be confined in a most frightful dungeon, and treated him with all sorts of cruelty. The martyr repeated always what he had before wrote to his father: "I confess your goodness to me has been extreme. I will preserve to my dying breath the respect, duty, and tenderness which I owe you; but is it possible that you should desire me to prefer worldly greatness to my salvation? I value the crown as nothing; I am ready to lose sceptre and life too, rather than abandon the divine truth." The prison was to him a school of virtue. He clothed himself in sackcloth, and added other voluntary austerities to the hardships of his confinement, and with fervent prayers begged of God to vouchsafe him the strength and assistance which was necessary to support him in his combat for the truth. The solemnity of Easter being come, the perfidious father sent to him an Arian bishop in the night, offering to take him into favour, if he received the communion from the hand of that prelate, but Hermenegild rejected the proposal with indignation, reproaching the messenger with the impiety of his sect, as if he had been at full liberty. The bishop, returning to the Arian king with this account, the furious father, seeing the faith of his son proof against all his endeavours to pervert him, sent soldiers out of hand to dispatch him. They entered the prison, and found the saint fearless and ready to receive the stroke of death, which they instantly inflicted on him, cleaving his head with an axe, whereby his brains were scattered on the floor.

which impiety he had publicly renounced.[70] There is no parallel here with receiving the Holy Eucharist from the "resistance" clergy, because said clergy are not ministers of a false sect, nor are they formal heretics who make use of a heretical rite, nor is it taken by others as a sign that one has renounced the Catholic faith, as we have discussed above with regard to the implicit profession of a false religion.

Is it credible that the "resistance" clergy are formal schismatics, as Fr. Cekada suggests? He claims that they cannot be excused from the sin of schism for the reason that they deliberately resist the current occupant insofar as they think him to be a true Pope. This general condemnation of all those who recognize the current occupant as a true Pope yet resist his doctrine, worship and discipline is far from being just.[71] If one peruses the writings and speeches of the "resistance" clergy, one sees what great pains they have gone to in order to clear themselves of this charge of schism, which demonstrates their lack of a will to be separated from the visible unity of the Church. Some allege that the official acts of the Conciliar popes have been null and void due to a failure to observe proper legal form, others have argued that they fall under the category of opinions expressed as a private doctor without any guarantee of infallibility, still others have argued that they are incapable of exercising the Papal power they supposedly possess. Whatever the worth of these arguments, they show that the "resistance" clergy do not resist the current occupant as he is a true Pope, but rather as he fails to act as a true Pope.

As far as the accusation that they have committed the crime of schism, this falls immediately once one takes cognizance of the fact that Prevost is not formally the true and legitimate Roman Pontiff. It is impossible to withdraw obedience from one to whom it is not due, since the duty of obedience presupposes the power to command. One cannot be separated from the universal Church for rebelling against him who is not formally the visible Head of the Church.

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[70] Cf. Prosper Guéranger, O.S.B., *The Liturgical Year*, vol. 8, *Paschal Time: Book 2*, trans. Laurence Shepherd, O.S.B. (1910), 346:

> The Martyr knew that the Eucharist is the sacred symbol of Catholic unity; and that we are not allowed to approach the Holy Table in company with them that are not in the true Church. A sacrilegious consecration gives heretics the real possession of the Divine Mystery, if the priestly character be in him who dares to offer Sacrifice to the God whom he blasphemes; but the Catholic, who knows that he may not so much as pray with heretics, shudders at the sight of the profanation, and would rather die than share, by his presence, in insulting our Redeemer in that very Sacrifice and Sacrament, which were instituted that we might all be made one in God.

[71] E.g., Bp. Donald Sanborn, ICR, who holds to the strict "*non una cum*" position, has repeatedly denied that the members of the FSSPX act in bad conscience and with insincerity when they pray for the current occupant of the Apostolic See and commemorate him by name in the Mass. He says in "Una Cum: 'Mass in Union with our Pope?'":

> That most priests who are *una cum* are in good conscience, *I admit.* That they are therefore not formally schismatic, *I admit.*

Let us look more closely at the citations given here by Fr. Cekada regarding the sin and the crime of schism.

The section of Merkelbach's *Theologia moralis* we are concerned with here is the one dealing with the sins opposed to peace, which is one of the internal effects and secondary acts of charity.

Peace (*pax*, from a Proto-Indo European root meaning "to join, to attach, to fasten") includes two things, *concord* and *union*, i.e. the union of our will with the will of others, insofar as we love them as ourselves, and the union of all our appetites, insofar as we love God with our whole heart and refer all things to him.

Schism (*schisma*, from σχίζω, literally "to split") is opposed to public peace, or the peace of the multitude (*paci multitudinis*), specifically to the peace of the Church (*paci Ecclesiae*). It is defined as "the voluntary separation (*voluntaria separatio*) of oneself from the unity of the Church (*unitate Ecclesiae*) whilst retaining the profession of the faith, or the voluntary separation of a baptised person from the Catholic Church."

It is committed in a twofold manner, either with regard to the connection of the members of the Church with one another (*in connexione membrorum Ecclesiae ad invicem*) or with regard to the ordering of all members to one head (*in ordine omnium membrorum ad unum caput*). There are those called schismatics perfectly and imperfectly, i.e. those who "refuse to be subject to the Supreme Pontiff (*subsesse renuunt summo Pontifici*) with rebellion, so that they persistently refuse to obey his precepts (*obedire praeceptis pertinaciter recusent*)" and those who "refuse (*recusant*) to communicate with the members of the Church subject to him in doctrine, worship (*cultu*), and sacraments; from which it is clear that it is a most grave sin and mortal in its entire kind (*gravissimum et mortale ex toto genere*)."[72]

Next we have Wernz & Vidal's commentary on the 1917 Code of Canon Law, *Ius canonicum*, specifically their commentary on the delict of schism.

Schism is defined as "the spontaneous departure (*spontanea discessio*) from the unity of the Church, in so far as that unity consists in the communion of the faithful with one another and in due subjection

[72] Benedictus Henricus Merkelbach, O.P., *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 1, *De principiis*, 8th ed. (Bruges: Desclée de Brouwer, 1949), 704–705, 728–729; cf. also 599:

> Schism is understood as perfect and complete, whereby someone refuses obedience (*quis renuit obedientiam*) to the Holy Father; but not mere disobedience (*simplex inobedientia*), nor contempt of a particular law, nor rebellion against a bishop.

(*debita subiectione*) to the Roman Pontiff." It is "directly against (*directe contra*) the supernatural Society founded by Christ and against the authority by which it is governed (*contra auctoritatem qua ipsa regitur*), for it violates the unity of the Church and the authority of the Roman Pontiff by its very nature (*sua natura*)."

Those who are involuntarily (*invitus*) separated from the communion of the faithful by a grave delict will be excommunicated, not schismatic, "for he does not withdraw of his own accord (*is enim sponte non recedit*)." Through schism a separation is made from the unity of the universal Church, "in so far as that Church is a certain mystical body (*quatenus illa est corpus quoddam mysticum*), with whose *members* the schismatic *refuses to communicate* (communicare recusat)." Above all the delict of schism "involves a departure from the Roman Pontiff as the supreme pastor of the Church (*tamquam supremo Ecclesiae pastore*), to whose authority and judgement schismatics *refuse to be subject* with *rebellion* or pertinacity (rebellione *sive pertinacia*)." This departure (*discessio*) is restricted to obedience alone in pure schism, and does not if itself (*per se*) extend to the articles of faith, and is therefore "opposed solely (*solummodo opponitur*) to the unity of the universal Church, or to communication with the faithful and to the obedience due to the Roman Pontiff."

Schism can be divided into occult (*latens in mente*) and manifest (*signis et factis externis manifestatur*), internal and external, particular and universal. These distinctions are of no practical moment with regard to penal law, "since in the external forum only that schism constitutes the delict which is manifested and consummated by an *external* act (*quod actu* externo *manifestatur et consummatur*)," and "only universal schism, whereby some particular Church or some Christians depart from the unity of the *universal* Church, constitutes the properly so called (*proprie dictum*) delict of schism."

For the delict of pure schism to be constituted, the following conditions are required:

> I. that someone either directly or expressly (*directe sive expresse*), or indirectly by means of concluding facts (*indirecte sive factis concludentibus*), withdraw from obedience to the Roman Pontiff and separate himself from the ecclesiastical communion of the other faithful, even though he does not join himself to a separate schismatic sect; — II. that the withdrawal be joined with pertinacity or rebellion (*pertinacia sive rebellione*); — III. that the withdrawal concern those things by which the unity of the Church is constituted; — IV. that notwithstanding formal disobedience (*formali inobedientia*) and denial of submission (*denegatione subordinationis*), the schismatic acknowledge that Roman Pontiff to be the true pastor of the universal Church and that obedience is to be rendered to him according to the

> doctrine of the faith (*agnoscat illum Romanum Pontificem verum esse pastorem universalis Ecclesiae et ex doctrina fidei ipsi obedientiam esse praestandam*)[.]

He concludes from this explanation:

> Wherefore the delict of schism in the strict sense (*sensu stricto*) is not committed by one who withdraws from his own Bishop and from the communion of the faithful of his diocese, but does not refuse to be subject to the Roman Pontiff and to communicate with the rest of the faithful of the universal Church. Nor does someone become a schismatic by simple transgression of a pontifical law (*simplici transgressione legis pontificiae*); otherwise all violators of universal ecclesiastical laws would be schismatics; which is plainly absurd. Finally, those cannot be numbered among schismatics who refuse to obey the Roman Pontiff because they hold his person under suspicion (*personam ipsius habeant suspectam*) or regard him as doubtfully elected on account of rumours spread abroad (*propter sparsos rumores dubie electam*), as occurred after the election of Urban VI, or who resist him as a civil prince (*principi civili*), not as the pastor of the Church.

Concerning the penalties of schism, he makes this comment:

> In the const. *Apost. Sedis*, n. 3, schismatics *and* those withdrawing or receding (*subtrahentes vel recedentes*) from obedience to the Roman Pontiff were struck with censure; there were various modes of perpetrating schism, the distinction of which was not necessary (*quorum distinctio non erat necessaria*).

A footnote here referencing the work of Bucceroni says:

> [H]e thus distinguishes between *schismatics* and *those receding from obedience* (recedentes ab obedientia) in that *schismatics* are those who, whether out of malice of will (*ex malitia voluntatis*) or *from error* of intellect in the doctrine of the faith (but then they are heretics) deny subjection (*subiectionem negant*) to the Roman Pontiff by separating themselves from the body of the Church and by constituting a new and separate church (*novam ac separatam ecclesiam constituendo*) or *by adhering to one already constituted* —; by those *withdrawing* (subtrahentes) from obedience he understands those who separate themselves *totally* (totaliter), even though they subject themselves to no other head or ecclesiastical authority; finally he calls those *receding* (recedentes) who withdraw from the authority of the Roman Pontiff *partially* (partialiter), that is, in some one matter only. But just as for *heresy* it is not

> required that someone join himself to any sect, so for *schism* it is not required that someone join himself to a schismatic sect, provided he withdraws from the Roman Pontiff and the rest of the faithful.

He continues:

> *Lehmkuhl*, l. c. II, n. 925, more correctly (*rectius*) so interprets the twofold member of the censure, that *schismatics* are understood to be those who separate themselves *from the body of the Church and its head* (a corpore Ecclesiae eiusque capite), whether they enter a different religious assembly (*diversum coetum religiosum*) or not; and that furthermore those are also comprehended who separate themselves *from the head of the Church* by pertinaciously (*pertinaciter*) withdrawing from obedience to him, even though they wish to remain united with the rest of the *body.* Cfr. also *Lugo*, De fide, disp. XXV, n. 37; *D'Annibale*, l. c. n. 42, 43. Which interpretation is more conformable to the common manner (*est conformior communi modo*) of interpreting the censure contained in the same words in the *Bulla Coenae*, on which interpretation one can therefore also stand in the interpretation of the Const. «*Apost. Sedis*». Cfr. *Altieri*, De cens. t. I, p. 476 sq. Furthermore, under the law of the Code, besides the notion of schism given in can. 1325, § 2, the penal canon 2314 makes no other distinction save between those giving their name to or publicly adhering (*nomen dantes vel publice adhaerentes*) to a schismatic sect and those committing the delict of schism without such enrolment or adherence (*sine tali adscriptione vel adhaesione*).[73]

Next we have Szal's dissertation *The Communication of Catholics with Schismatics*, where he gives a historical synopsis and commentary on the canonical problem of religious communication with schismatics.

He defines a schismatic as "one who, having received baptism and still retaining the name of Christian, nevertheless refuses obedience to the Supreme Pontiff or refuses to communicate with those members of the Church who are subject to him." Pure schism is when one "professes belief in the sovereign power and primacy of the Pope, but out of malice refuses to be subject to him and to obey him as the Head of the Church and the Vicar of Christ on earth." He gives the same conditions for the delict of schism to be committed in the strict sense as do Wernz & Vidal above. He adds that there is not "any schism if one merely transgress a Papal law for the reason that one considers it too difficult, or if one

[73] Franz Xaver Wernz, S.J., and Pedro Vidal, S.J., *Ius canonicum*, vol. 7, *Ius poenale ecclesiasticum* (Rome: Typis Pontificiae Universitatis Gregorianae, 1938), 435–440.

refuses obedience inasmuch as one suspects the person of the Pope or the validity of his election, or if one resists him as the civil head of a state."[74]

Finally, a citation is taken from an article written by Bp. Sanborn titled "Vatican II, the Pope and SSPX: Questions and Answers"which was originally published in the *Most Holy Trinity Seminary Newsletter*, and republished in French here. Instead of analyzing this document as it pertains to the sin of schism, we will instead direct the reader to Mr. John Lane's notes on it, found here.

Replies to Objections

Finally, Fr. Cekada replies to various objections made to his position. He dismisses the objection:

(1) from the legislation of Pope Martin V as irrelevant and its interpretation by de Lugo as liberal;
(2) that a declaration is necessary for it to be forbidden that the current occupant be mentioned by name in the Mass, since none of the authors he cited make any distinction between declared and undeclared heretics;
(3) that one may understand the prayer for the current occupant as only referring to him as being the pope materially as contrary to the meaning of the *una cum* clause in the Canon;
(4) that Canon 2261 permits the faithful to petition the Sacraments and sacramentals from *tolerati* excommunicates as irrelevant;
(5) that one is bound to fulfill the precept of hearing Mass on Sundays and Holy Days of Obligation as inapplicable to the case;
(6) that one may tolerate an evil for the sake of a greater good as inapplicable, since the evils being tolerated here are intrinsically evil;
(7) that the priest means well and commits no sin by his actions as irrelevant;
(8) that there are secret sedevacantists in the FSSPX as contrary to the public presumption against them;
(9) that there are conflicting opinions among priests about the permissibility of attending the *una cum* Mass as irrelevant, unless a systematic refutation of his work is undertaken;
(10) that one has no other option than to assist at an *una cum* Mass lest they lose the faith due to the privation of grace as irrelevant.

To prove his claims, he cites Pope Martin V's constitution *Ad evitanda scandala*, Rev. John Bancroft's *Communication in Religious Worship with Non-Catholics*, Cardinal John de Lugo, S.J.'s *Disputationes*

[74] Ignatius J. Szal, *The Communication of Catholics with Schismatics: A Historical Synopsis and a Commentary* (Washington, DC: Catholic University of America Press, 1948), 1–2.

Scholasticae et Morales, Rev. Nicholas Halligan, O.P.'s *The Administration of the Sacraments*, Merkelbach's *Theologia moralis* and Rev. James Bridge, S.J. entry in the *Catholic Encyclopedia* titled "Libellatici, Libelli".

(1) First, the text of *Ad evitanda*:

> Martin V (in the Council of Constance), const. *Ad evitanda*, a. 1418.
>
> In order to avoid scandals and many dangers, and to provide relief to timorous consciences, we mercifully grant by the tenor of these presents to all the faithful of Christ (*omnibus Christi fidelibus*), that henceforth no one shall be bound to abstain (*nemo teneatur abstinere*) from the communion of any person in the administration or reception of the sacraments, or in any other divine matters whatsoever (*aliis quibuscumque divinis*), or outside them; nor to avoid anyone (*aliquem vitare*), nor to observe an ecclesiastical interdict, under the pretext of any sentence or ecclesiastical censure, [1] whether promulgated generally by law or by a person. Unless such sentence or censure shall have been published or denounced specially and expressly by a judge, against or in regard to a specific person, college, university, church, community, or place: notwithstanding Apostolic Constitutions and all other things made to the contrary: saving the case of one who shall have been so notoriously established to have incurred the sentence imposed by canon law for sacrilege and the laying of violent hands upon a cleric, that the fact cannot be concealed by any evasion nor excused by any benefit of law. For from communion with such a person, even though he has not been denounced, we will that abstinence be observed, in accordance with the canonical sanctions.
>
> [Mansi, tom. 27, col. 1192, 1193].
>
> [1] Otherwise: or of suspension or prohibition.[75]

Prima facie, this constitution appears to permit all of the faithful of Christ to communicate in any divine and profane matters whatsoever with anyone, even if they be under interdict, sentence, censure, suspension or prohibition, that has not been denounced by an ecclesiastical judge, excepting the case of those who lay violent hands upon clerics.

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[75] Martin V, *Ad evitanda scandala*, Papal Bull, February 22, 1418, in *Codicis Iuris Canonici Fontes*, ed. Pietro Cardinal Gasparri, vol. 1, nn. 1–364 (Rome: Typis Polyglottis Vaticanis, 1923–1939), 58. Cf. Martin V, *Ad vitanda scandala*, Papal Bull, February 22, 1418, in *Sacrorum Conciliorum Nova et Amplissima Collectio*, ed. Giovanni Domenico Mansi, vol. 27 (Venice: Antonio Zatta, 1784), 1192–1193.

The next citation is from Bancroft's dissertation *Communication in Religious Worship with Non-Catholics*, specifically the historical section dealing with the early ages of the Church to the time of Martin V.

He says concerning this:

> Occasion for development in the theology of religious communication with non-Catholics was given in the year 1418. In that year Martin V issued the memorable Constitution *Ad Evitanda* which introduced a distinction among those under the penalty of major excommunication, declaring, in effect, some to be *vitandi*, and others *tolerati*. The previous discipline continued to apply to the *vitandi* only. The faithful, however, were permitted to communicate with the *tolerati* in both civil and religious matters. This change was made as a benefit to the faithful. The former strictness had been a source of much uncertainty and anxiety for them, because they did not always know whether or not they had been exposed to incurring an excommunication. Sometimes when they did know, they could not always avoid it. This Constitution was given in its original grant to the German people as part of a Concordat, which was to hold for five years. The intention of the Pope, however, regarding the Constitution was that it should remain in force perpetually and apply to all Christendom. It was widely diffused separately from the Concordat, and for that reason many looked upon it as a special Bull. Obviously this is a matter of merely ecclesiastical concession, and is in no way meant to dispense, or derogate, from the divine law.
>
> By virtue of this Constitution most heretics and schismatics were in the class of the *tolerati*. Greater freedom could be enjoyed in communicating with them. This factor together with the spread of heresy in Europe and England, and the conditions in mission lands and in the parts of the world where the Oriental Orthodox Churches flourished, necessitated a consideration of what was allowed, and what was not allowed, in the matter of religious communication with non-Catholics. The theologians responded to this necessity by enunciating the principles involved, and by giving the solutions for various cases. As it usually happens, time and circumstances gradually introduced changes of opinion on the lawfulness of certain particular points as will be seen later.

He says further on:

> It is to be admitted that some theologians have been liberal in applying the Constitution *Ad Evitanda*. They did so, however, only in so far as they considered a matter of purely ecclesiastical law was involved. All took care not to allow any violation of the divine law. De Lugo, writing in reference to the reception of sacraments from heretics, says that the Constitution moderates the prohibition to communicate with heretics, only as a prohibition of human law. Suarez, Toletus, and Malderus also insist that the divine law must be preserved in this communication.[76]

It is one thing to be "liberal in applying" something, it is quite another to give a "liberal interpretation" and to have one's view dismissed and rejected by the Holy Office. We will see if this is the case with the theologian whom St. Alphonsus de Ligouri did not hesitate to rank immediately after St. Thomas Aquinas, "*post S. Thomam facile princeps*," and whom Pope Benedict XIV calls "a light of the Church."

Next we have a citation from de Lugo's *Disputationes Scholasticae et Morales*, specifically the section where he discusses prohibited communication with heretics. We will see whether or not his teaching here is liberal, as Fr. Cekada claims.

At the beginning of this disputation, he makes clear his purpose:

> I presuppose that this communication can be illicit on other grounds, on account of scandal, or on account of the danger of perversion, or something else: but now we ask only this precise question, whether from this head, that all heretics are excommunicated, as I presuppose from the following disputation, communication with them is rendered illicit.

He proceeds to discuss the opinions of various authors:

> The first opinion teaches that whenever it is established (*quoties constat*) that someone is a heretic, communication with him is by that very fact (*eo ipso*) forbidden: so Sotus in IV, dist. xxv, qu. 1, art. 1 and 3, and dist. XX, qu. 1, art. 5, conclus. 2. The common opinion (*communis sententia*) however denies this, so long as the heretic has not been juridically declared and denounced (*non est juridice declaratus et denuntiatus*); because the Council of Constance granted indulgence generally to all the faithful, so that they might lawfully communicate with all excommunicates (*omnibus excommunicatis*), with the exception of those denounced by name and notorious strikers of clerics: where there is altogether no exception regarding heretics

[76] John Bancroft, C.SS.R., *Communication in Religious Worship with Non-Catholics* (Washington, DC: Catholic University of America Press, 1943), 28–29, 32–33.

(*ubi nulla prorsus sit exceptio de haereticis*): therefore there is no reason why that indult should not be extended to communication with them also. So Toletus, Ugolinus, Suarez, Azor, and others, whom Thomas Sanchez, bk. II, *in Decal*. cap. IX, n. 3, reports and follows. Hurtado in the present dis. LXXVI, § 4, and others commonly, which I myself have also always embraced in other places (*et alii communiter, quod ego etiam in aliis locis semper amplexus sum*).

He next addresses objections to the common opinion:

> Secondly there is objected from c. *si quem forte* XXIV, q. 1, where those who receive sacraments from heretics and schismatics, apart from extreme necessity (*seclusa extrema necessitate*), are punished. The reply is given in the same manner, that that prohibition, in so far as it is from human law (*quatenus est ex jure humano*), has a moderation from the said decree of the Council of Constance; but that it remains in so far as it is from divine or natural law in many cases (*manere tamen quatenus est ex jure divino, vel naturali in multis casibus*): e.g. if the danger of perversion is feared, if there be implicit communication in false doctrine or false rites (*implicita communicatio in falsa doctrina aut ritibus falsis*), if scandal follows, if without necessity (*sine necessitate*) an occasion is afforded to a heretic of unworthily administering a sacrament, and in other similar cases.
>
> Thirdly it can be objected that the excommunication of heretics appears to be of divine law (*videatur esse de jure divino*), and therefore could not have been subject to the moderation of the Council of Constance. Hurtado replies, loc. cit., § 9, conceding the antecedent but denying the inference (*dato antecedenti negando illationem*): for although heretics were excommunicated by divine law, and therefore could not lawfully receive or confer the sacraments; it is not however of the essence of excommunication (*non est tamen de essentia excommunicationis*) that other faithful persons cannot communicate with the excommunicate, but this was added by the Church, which can sometimes remove this effect (*sed id additum est ab Ecclesia, quae potest hunc effectum aliquando tollere*). This reply however cannot satisfy (*non potest satisfacere*): because the arguments which prove heretics to be excommunicated by divine law, if there be any (*si quae sunt*), prove most especially (*probant potissimum*) the prohibition of the communication of others with them. For to this end are adduced the words of John, Epist. II, 10: Neither bid them God speed, and of Paul, I Cor. V: With such a one, no, not to eat, and other things of the kind, which bear directly upon the second communication: and from this communication with them being forbidden, some argue that they are excommunicated by divine law: communication could not therefore be permitted by the Church with them, if it could not fail to regard them as excommunicated. The antecedent therefore is to be denied

(*negandum ergo est antecedens*), of which we must treat expressly in the following disputation, when dealing with the excommunication of heretics.

Further down, he discusses more precisely our case:

> 10) The second principal doubt is whether we can communicate with a heretic who has not been denounced (*non denuntiato*) not only in civil and human matters but also in sacred and spiritual ones (*sed etiam in sacris et spiritualibus*). Now it is certain that we cannot communicate with heretics in the rites proper to the heretical sect (*in ritibus propriis sectae haereticae*); because this would be against the precept of the confession of the faith, and would contain an implicit profession of error (*implicitam professionem erroris*): but the question concerns sacred matters containing no error (*de rebus sacris nullum errorem continentibus*), e.g. whether it is lawful to hear Mass with a heretic, or to celebrate in his presence, or to be present at his celebration in the Catholic rite (*vel ipsi ritu catholico celebranti adesse*), etc. Basil. Pont. in the volume *de Matrim*. at the end in the Appendix *de matrimonio catholici cum haeretico*, c. IX, § 1, n. 8, denies it, saying that 'Mass cannot be celebrated before a heretic for any reason (*ex nulla causa*), nor even out of the gravest fear (*ex gravissimo metu*):' and supposes this as an established fact, and proves it by no argument whatsoever (*nec ulla ratione probat*). I am astonished that a learned man did not notice that on the contrary there is the authority of all the Doctors (*non advertisse in contrarium esse auctoritatem omnium DD.*) whom Sanchez, d. c. IX, n. 7, Suarez, d. sect. III, n. 5, Azor, and others follow, whom Hurtado, d. disp. LXXVI, § 12 follows, and this is established from what has been said, because an excommunicate who has not been denounced (*excommunicatus non denuntiatus*), nor is a notorious striker of a cleric, is not to be avoided even in sacred matters (*non est vitandus etiam in sacris*), as is established from the said *Extravagantes*; and from the mere fact that he is a heretic there is no special reason (*ex eo autem quod haereticus sit non est specialis ratio*) why this should not be lawful, unless there be scandal or irreverence against the faith from some other source, or something else, all of which are extrinsic and are not always encountered (*quae omnia sunt extrinseca et non semper inveniuntur*). Usage also is to the contrary, for certain heretical princes who at times come to Rome or to other Catholic places, with the permission of their superiors, attend churches and are present at sacred rites, with priests knowing this and celebrating without scruple (*sacerdotibus id scientibus et absque scrupulo celebrantibus*). Nay, I myself have at times seen them assisting at the solemn Mass before the sacred College of Cardinals, all knowing well that they were heretics and pretending otherwise (*scientibus bene omnibus eos esse haereticos et simulantibus*), and deservedly so, on account of the fruit proved by experience; for they form a better opinion of the Catholic rites and notice the frauds of their own teachers. I confess that

> they, setting aside ignorance (*seclusa ignorantia*), cannot attend Mass, since they are excommunicated and the Council of Constance does not favour them (*illis non faveat*): yet those who celebrate before them do not sin (*non peccant*), since they have permission from the same council to communicate with them in profane matters and also in sacred ones.

He continues:

> A third and greater doubt (*dubitari magis*) however can be raised, whether Catholics can receive sacraments from heretics who have not been denounced. Azor, 1st vol., bk. VIII, c. XI, q. VII, and c. XIII, q. VII, denies it, though not very consistent in his foundation: for in the first place he says that this arises not only from excommunication but also from heresy: but in the second place he says it is not from heresy but from excommunication, in so far as every excommunicate even an occult one lacks jurisdiction (*quatenus omnis excommunicatus etiam occultus caret jurisdictione*), which is supported by Sotus in VI, dist. XX, q. 1, art. 5, concl. II, on another ground, because he thinks all heretics and schismatics to be deemed excommunicated by name and to be avoided (*quia putat omnes haereticos et schismaticos censeri nominatim excommunicatos et vitandos*).
>
> The contrary opinion is the common and true one (*contraria sententia communis et vera est*), unless it be illicit on other grounds by reason of scandal, or on account of an implicit denial of the faith, or because charity obliges one to impede the sin of a heretical minister ministering unworthily, if necessity does not press (*si necessitas non urgeat*): so with Navarro, Sanchez, loc. cit., n. 10, Suarez, n. 5, Hurtado, loc. cit., § 13, and treating of the sacrament of penance I said the same in disp. XVIII *de Poenit*. sect. II, n. 18 and 19, treating of matrimony and other sacraments I said the same in disp. VIII *de Sacram. in gen.* sect. XIV, and this is established from the aforesaid *Extravagantes*, in which communication with tolerated excommunicates (*excommunicatis toleratis*) in the reception and administration of the sacraments is conceded to the faithful: since therefore those heretics are not denounced excommunicates, nor notorious strikers of clerics, there is no reason why we should be forbidden by reason of excommunication from receiving sacraments from them (*non est cur ratione excommunicationis prohibeamur ab iis sacramenta suscipere*): although this can often be illicit on other grounds, unless necessity excuses (*nisi necessitas excuset*), as I explained in the aforesaid places. Whether moreover a Catholic can also at times minister sacraments to them, I said in the aforesaid disp. VIII *de Sacram. in genere*.[77]

[77] Juan de Lugo, S.J., Cardinal, *Disputationes scholasticae et morales*, vol. 2, *De virtute fidei et de incarnatione*, ed. J. B. Fournials (Paris: Apud Ludovicum Vivès, 1890), 100, 101–102, 104–105.

Fr. Cekada dismisses all of this by saying, "None of our arguments against assisting at *una cum* Masses is based on the effects of ecclesiastical sentences or censures such as excommunication." This is not entirely true, as he referenced excommunication earlier when speaking about disobedience to the legislative authority of the Church in Her regulation of divine worship. This is also a key element of the article written by Mr. Patrick Henry Omlor that he described as "an excellent article." He even dedicated this very article to him.

Omlor says in this article that, because Wojtyła has committed the crime of apostasy, he is *ipso facto* excommunicated by divine law. He says that this divine law is simply restated in Canon 2314, §1, 1.° of the Code, which says:

"§ 1. All apostates from the Christian faith and each and every heretic or schismatic: 1.° Incur by that fact excommunication[.]"

Since his guilt is notorious, he is not a member of the Church and it is impossible that he be its visible head.

He says that priests who are sedevacantists omit the phrase "*famulo tuo Papa nostro N.*" and "*et Antistite nostro.*" He therefore gives this part of the prayer as "*una cum omnibus orthodoxis atque catholicae, et apostolicae fidei cultoribus.*" He says that removing a name from the diptychs is equivalent to excommunicating or breaking communion with the person whose name is erased.

Although he admits that no canon in the 1917 Code imposes penalties on a priest for naming heretics, apostates or schismatics in the diptychs, nevertheless it is a grave excommunicable offense, and those who commemorate Wojtyła, as well as those who assist at the Masses of those who so commemorate him, objectively deserve to be excommunicated, and if subjectively they know that he is an apostate, they are *ipso facto* excommunicated. He bases this on the *Regula fidei* of Pope St. Hormisdas, which we discussed earlier.

Evidently the ecclesiastical censure or penalty of excommunication does play a role in this argumentation.

Fr. Cekada claims that *Ad evitanda scandala* has no relevance to Canon 1258, which addresses common worship with heretics, but rather only to Canon 2261.3, which addresses receiving the Sacraments from *vitandi*. We have already seen that *Ad evitanda scandala* goes beyond the reception of

the Sacraments, and includes "any other divine matters whatsoever." We will examine more closely Canon 1258 to see that this is true.

Canon 1258 reads:

> §1. It is not licit for the faithful by any manner to assist actively or to have a part in the sacred [rites] of non-Catholics.
> §2. Passive or merely material presence can be tolerated for the sake of honor or civil office, for grave reason approved by the Bishop in case of doubt, at the funerals, weddings, and similar solemnities of non-Catholics, provided danger of perversion and scandal is absent.[78]

Canon 2316 references this canon, and reads:

> Whoever in any manner willingly and knowingly helps in the promulgation of heresy, or who communicates in things divine with heretics against the prescription of Canon 1258 is suspected of heresy.[79]

Wernz-Vidal give the longest commentary on these canons, saying:

347. Forbidden communication in sacred things with non-Catholics. A prohibition of this kind binds all the faithful indiscriminately, but with special reason, as is self-evident, the sacred ministers.

> I. In canon 1258 a twofold communication in sacred things is distinguished, *active* and *passive*. Active is when a Catholic participates with non-Catholics in non-Catholic worship (*catholicus cum acatholicis participat fit cultus acatholici*); by which name of worship is here taken in a broad sense (*sensu lato*) for doctrine, prayers, sacraments, any liturgical actions whatsoever (*quibusvis actionibus liturgicis*), indeed even certain emoluments or honorific rights accruing to members of the Church, such as ecclesiastical burial. This active communication with heretics and schismatics is generally (*generatim*) unlawful: 'It is not lawful for the faithful in any way actively to assist at or take part in the sacred rites of non-Catholics (*quovis modo active assistere seu partem habere in sacris acatholicorum*)' (can. 1258, 1). This communication is *declared* unlawful, which formula of the law quite clearly indicates that it concerns a matter which is unlawful as to its substance from natural and divine law itself (*de re quoad substantiam illicita*

[78] *The 1917 or Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus*, curated by Edward N. Peters (San Francisco: Ignatius Press, 2001), 380.
[79] Ibid. 630.

> *ex ipso iure naturali et divino*); which is assuredly violated: a) whenever by that active communication it contains an approval and esteem (*approbationem et aestimationem*) of the *worship*, e.g. if one hears a sermon in a non-Catholic temple for the consolation and doctrine to be drawn therefrom, if one recites common prayers or hymns in their public assemblies (*si communes preces aut cantilenas in publicis eorum conventibus recitet*), if one takes the heretical supper (*coenam haereticam sumat*), and the like; *b*) when from this participation either *scandal* arises, or danger in faith and morals is to be feared in this way; moreover, not only the scandal of other *Catholics* is to be attended to, but also lest by the example of a Catholic person the heterodox themselves be confirmed in their error; certainly, moreover, it is unlawful by divine law (*divino iure*) if the participation is formal, that is, what one participates in inwardly, in mind and will (*id quod quis interne, mente et voluntate participet*), not only (*solum*) externally and in body, in which case the participation would be merely material (*mere materialis*). But if there is merely *material* participation without danger of scandal or perversion, the unlawfulness cannot be derived from divine law (*illiceitas non potest repeti ex iure divino*), except insofar as it contains an approval of a false and a denial of the true religion, which the communication signifies of itself (*quam communicatio per se significat*); which not infrequently depends on the complex of circumstances (*quod haud raro pendet ex complexu circumstantiarum*) (14).

The footnote here reads:

> (14) This merely *material* participation in the sacred rites of non-Catholics can also not infrequently be so called (*etiam non raro dici potest*), which is clear from § 2 of canon 1258. But generally communication in sacred rites may more properly be said (*poena tolici dictior*) to consist in the admission of heretics or infidels to participation in Catholic sacred rites, that is, so that those who in a lesser participation according to the cited canon are not said to be tolerated in *passive communication* or material communication, but in *passive presence* or material presence.

This makes clear that Canon 1258 is not a positive ecclesiastical law, but rather a declaration of the natural and divine positive law. We have seen that *Ad evitanda scandala* was merely a moderation of purely human law, and that those who interpreted it broadly, including De Lugo, did not permit that the natural and divine positive law be violated when communicating *in sacris* with heretics.

They continue:

Furthermore, in material active participation itself (*participatione materiali activa*), *private* and *public* participation must be distinguished. *Material private* participation, if it does not concern a matter evil in itself (*in se malam*), with the danger of scandal and perversion excluded, is not in itself unlawful (i*n se illicita non est*), e.g. if a faithful person privately recites the Lord's prayer or other prayers with a non-Catholic, there is no approval of a false religion, no communication in non-Catholic worship, since a *private worship* is one which, if nothing false is admixed (*nihil falsi admiscetur*), cannot be called non-Catholic worship. *Active material* and *public* participation is to be called generally prohibited (*generatim prohibita*); where there is no danger of perversion and no scandal of the faithful, which will scarcely ever be absent (*quae vix umquam deerunt*), there will always (*semper*) be an approval of a false and a denial of the true religion, since that communication signifies this of itself (*per se*), unless from the complex of circumstances the false worship manifestly lacks external approval (*nisi ex complexu falsus cultus externa approbatione manifeste careant*).

II. Moreover, several acts are already *positively* and by express law prohibited or declared to be such. E.g., to offer children of Catholics to be baptised to a non-Catholic minister (S. Offic. 26 Sept. 1668; 29 Nov. 1872 — Collect. nn. 169, 205, 455) — To receive sacred orders from a heretic (S. Offic. 21 Nov. 1709 — Collect. n. 278) — To receive the nuptial blessing from a non-Catholic minister, even if the non-Catholic party demands it (S. Offic. 29 Jan. 1817 — Collect. n. 717). — To hear Mass in a temple of schismatics when a schismatic minister celebrates (*in templo schismaticorum celebrare ministro schismatico*); but if it cannot be heard in any other way (*alio modo*), the obligation ceases (S. Offic. 5 Dec. 1668 — Collect. n. 171) — It is not lawful to confess one's own sins in the confessional to a heretical or schismatic minister; in case of danger of death it is lawful, if no other Catholic priest is available, and provided scandal be avoided and there be no danger of perversion and it be at least probable (*saltem probabilè*) that the non-Catholic minister will administer the sacrament according to the rite of the Church. Nor is it lawful for Catholics (e.g. for the sisters of some hospital) to [administer sacraments to] a heretical minister constituted in danger of death; in which case they ought to behave passively (S. Offic. 30 June and 7 July 1864 — Collect. n. 1257 — 2030) — It is not lawful to play the organ in a non-Catholic temple (*in templo acatholico*) during the time of sacred functions (Collect. 1913).

[...]

III. Tolerance admitted in law. ‘There can be tolerated a *passive presence* or merely *material* presence, for the sake of a civil office or honour, for a grave reason to be approved by the Bishop in a case of doubt, at the funerals, weddings and similar solemnities of non-Catholics,

provided the danger of perversion and scandal be absent. In the twofold case enumerated, sufficiently clear and well-known from use and human custom is that reason of civil office or for the sake of honour, whether on the part of relatives and friends, or on the part of officials and magistrates who by virtue of their office are bound to be present; which notoriety being present in a Catholic the material assistance will be interpreted as concerning a civil office, not as an approval of a *false worship*.

There exist on this matter several particular prescriptions that have been given, and also those of the Bishops of our canon concerning recourse to the Bishop in case of doubt about the gravity of the reason. E.g., *a*) it is tolerated that Catholics enter schismatic churches outside the times of their offices (*extra tempora eorum officiorum*); likewise it is lawful to enter the same churches to venerate the Most Holy Eucharist or sacred images, provided we do not *join* with the schismatics in prayers (*modo cum schismaticis non* coniungamur *in precibus*) (response of the S.O. in Collect. nn. 458, 1257); *b*) for the sake of honour, it has been said that it can be tolerated, if a non-Catholic prince is to be consoled in a church, to enter a non-Catholic temple (Collect. n. 2136); *c*) tolerance has also been admitted in this, that officials of the State be present at a non-Catholic recitation also on the occasion of prayers to be recited for the prince, with Bishops or priests always excluded (Collect. n. 921). All of which things, together with others, are so to be taken that nevertheless what can be tolerated according to the responses given is in reality rendered unlawful from the complex of circumstances, whenever either scandal or the danger of perversion is present, or it contains in practice a confirmation of non-Catholics in false worship (*in falso cultu*) or fosters indifferentism.

IV. Concerning *passive* communication in sacred things, that is, the admission of non-Catholics to Catholic worship, nothing is directly said by this canon 1258 (cf. can. 2259). Let non-Catholics be permitted to enter Catholic temples or to attend Catholic sermons, and likewise to assist at the sacrifice of the Mass and the divine Offices. But it cannot be permitted that non-Catholics serve the Mass to be celebrated by a Catholic priest, nor that non-Catholic boys exercise the office of singers in a solemn Catholic Mass (Collect. nn. 1702, 1059, 1257; cf. however n. 2227), etc. In general, concerning passive communication, the following is to be observed: that this admission of non-Catholics to participate in Catholic worship is to be considered prohibited (*debere censeri prohibitam*) to this extent, that since the unity of the faithful ought to consist in the participation of the same sacraments and the same religious worship (*debeat esse in participatione eorundem sacramentorum et eiusdem religiosi cultus*), that the admission would be a sign of union and agreement between Catholic and non-Catholic in religious profession (*signum unionis et consensus inter catholicum et acatholicum in professione*

> *religiosa*), just as if Catholic worship and heretical worship did not differ substantially (*substantialiter*). Wherefore they can more easily be admitted or tolerated when from the circumstances themselves it sufficiently appears (*quando ex ipsis adiunctis satis apparet*) that unity and agreement in religious worship are not signified, but rather on the contrary that the heretic in this matter recognises the truth of the Catholic religion; and so the Church permits the celebration of a mixed marriage before a Catholic minister, whilst she severely forbids it before a non-Catholic one.[80]

In one of the footnotes, they reference an instruction of the Sacred Congregation of the Holy Office given on June 8th, 1859. This Instruction was referenced earlier by Fr. Cekada, but we've saved it till now. It reads:

> Communication with heretics can be either in reproved (*reproba*) doctrine or in rites or other signs of the false sect that are protestative (*in ritibus aliisve signis falsae sectae protestativis*), with scandal to the faithful, with whom communion is therefore forbidden by the Church, lest the faith be understood to be either lost or imperilled (*ne fides aut amitti aut periclitari intelligatur*). Whence St. John the Evangelist severely prescribes thus: *If anyone comes to you and does not bring this doctrine, do not receive him into your house, nor say 'hail' to him, for he who says 'hail' to him communicates in his wicked works* (2 John 10). Most evidently from these words it is inferred that everything is forbidden which expresses such a 'hail,' as are liturgical actions which were instituted to signify ecclesiastical unity (*prout sunt actiones liturgicae quae ad ecclesiasticam unitatem significandam institutae fuere*). Wherefore we read that it was enacted by the Fathers of the Council of Carthage that *with heretics there is to be neither praying nor psalm-singing*, as Benedict XIV reports (On the Synod, chapter V, book VI). It is therefore unlawful in sacred functions to invite heretics into the choir, to sing alternately with them, to give them the kiss of peace, blessed ashes, candles and palms, and other things of this kind pertaining to external worship which are rightly and deservedly considered to be signs of an interior bond and agreement (*aliaque id genus externi cultus, quae interioris vinculi ac consensionis indicia iure meritoque existimantur*), both in the active sense, namely by giving such things to them, and in the passive sense, by receiving them from them in their sacred rites. For in either hypothesis it would be the same as saying 'hail' to them and communicating in their wicked works. But certain things are (now) proposed which of themselves, as they are presented in a bare and unadorned manner, do not seem to bear the character of communication in sacred things. For as regards what is objected concerning sponsors at

[80] Franz Xaver Wernz, S.J., and Pedro Vidal, S.J., *Ius canonicum*, vol. 4a, *De rebus* (Rome: Typis Pontificiae Universitatis Gregorianae, 1934), 434–438.

> marriages and concerning those taking oaths in our churches, these declare no prohibited cooperation on the part of Catholics. For sponsors are indeed said to be those who merely stand at the side of the betrothed, doing or saying nothing which would be judged to convey a sign of forbidden participation (*nihil agentes aut dicentes quod vetitae participationis signum referre iudicetur*), and so if in this material presence no scandal is to be feared, there will be no reason for the mind of the missionary to waver in anxiety. Much less ought he to be distressed if, with no Catholic inviting or cooperating, heretics enter our temples, which lie open to all, in order to pronounce their oaths. What is it to us if the entire action of the heretics is remote from the cooperation of the faithful (*tota actio haereticorum sit fidelium cooperationi remota*)?
>
> As regards funerals, finally, let the missionaries know that a response was already given on Thursday the twentieth of May 1755 that heretics or schismatics are to be tolerated insofar as they exhibit a mere material presence, for the sake of civil honour towards the deceased, without mixing themselves in Catholic prayers and rites. For in this there is no participation in sacred things properly so called on the part of Catholics; which being excluded, in other matters let them conduct themselves according to the terms of the Constitution of Martin V, *Ad evitanda.*[81]

We see then that *Ad evitanda scandala* does have relevance to the notion of forbidden *communicatio in sacris* with non-Catholics, as this instruction and the canon under discussion concerns the worship of non-Catholic religious bodies, viz. false sects. We saw elsewhere that heretics and schismatics may be considered under three aspects: as sinners, as excommunicates and as members, agents or representatives of unauthorized sects. It is only in their latter capacity that it is forbidden by natural and divine positive law to participate in their public worship, according to the strict opinion of Bancroft et al.

The Scripture citation is from the first chapter of the second epistle of St. John the Apostle:

> If any man come to you, and bring not this doctrine, receive him not into the house nor say to him, God speed you. For he that saith unto him, God speed you, communicateth with his wicked works. ii. Jn. i. 10-11.

Rev. Cornelius a Lapide, S.J. comments:

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[81] Sacra Congregatio Sancti Officii, Decree of June 8, 1859, in *Collectanea S. Congregationis de Propaganda Fide seu Decreta Instructiones Rescripta pro Apostolicis Missionibus*, vol. 1 (Rome: Typis Polyglottis Vaticanis, 1893), 751–752.

> S. John in this place not only advises, as some think, but also commands Electa and all the rest of the faithful not to receive to hospitality, nor say Hail, to any one who brings another doctrine, i.e. one which is contrary to the orthodox faith of Christ. For he who saith hail to such is partaker of their evil deeds. That is, he seems to favour and applaud the heretical teacher.
>
> Observe, not only by human and canon laws, as since the time of S. John they have been enacted by Pontiffs and Councils, heretics are to be avoided in three cases. The first is, when there is danger lest you or yours should be perverted by them, which is a thing which ordinarily happens. For, as S. Paul saith, "Their word doth creep as doth a cancer." (2 Tim. 2:17.)
>
> 2d. When, by receiving, you would seem to favour his heresy, and tacitly profess or encourage it. As, for example, if you were to receive to your house and table a recognised Calvinistic minister, who came for the purpose of propagating his heresy. In the same way it would be wrong to be present at his preaching, or eucharists, or to communicate with him *in sacris*.
>
> 3d. When you give scandal to others, so that they, thinking you to be a host and patron of heretics, should be by your example emboldened to do the same.
>
> These cases being excepted, intercourse with heretics is not forbidden by the Divine and natural law, especially if necessity, or mercy, or grave benefit counsels it.[82]

Wernz-Vidal comment on Canon 2316, saying:

> **407.** II. **Communication in sacred things** with heretics, which according to can. 2316 renders one suspected of heresy: this concerns the communication forbidden according to the norm of can. 1258, § 1, by which it is declared unlawful for the faithful in any way *actively* to assist at or take part in the sacred rites of non-Catholics, not only (*non tantum*) when acts of non-Catholic worship are performed with the intention of thereby adhering to the sect or of approving the worship of the same sect (*cum intentione eo ipso adhaerendi sectae vel eiusdem sectae cultum approbandi*), but also when the act of non-Catholic worship is so specifically (*specifice*) religious, or protestative of the false sect in its circumstances (*vel in circumstantiis falsae sectae protestantivus*), that it cannot be explained otherwise; for then there is had an

[82] Cornelius à Lapide, S.J., *The Great Commentary of Cornelius à Lapide*, trans. Thomas W. Mossman, 3rd ed., vol. 6, *The Second Epistle of St. John* (London: John Hodges, 1887).

> equivalent profession or at least a simulation of a false worship (*aequivalens professio vel saltem simulatio falsi cultus*).[83]

We see from all this that nothing is "liberal" about de Lugo's teaching, nor was it dismissed in principle by the Holy Office.[84] We saw the decree referenced here earlier in our section under scandal, and nothing in that decree contradicts de Lugo's teaching. Rather, his teaching is fundamentally admitted by both the Holy Office and the Code, as witnessed by Wernz-Vidal's commentary.

(2) Next, Fr. Cekada dismisses the need for an official condemnation with regard to the crime of heresy and a declaration with regard to the censure of excommunication as necessary in order that it be forbidden to pray for and commemorate by name someone in the *Te igitur*. He says, "The various Vatican pronouncements quoted above, moreover, made no distinction between 'declared' and 'undeclared' heretics." He then makes a *reductio ad absurdum* by drawing an analogy from having a Requiem High Mass publicly offered for a deceased Methodist.

Here we have a reference to Halligan's *The Administration of the Sacraments*, specifically the section discussing who the Sacrifice of the Mass may be applied to.

He says:

> The value of the Mass is the intrinsic power which it enjoys to produce its effects or fruits. In itself the Sacrifice of the Mass has an infinite value and efficacy, since Christ, who is of infinite dignity, is both Priest or principal offerer and the sacrificial Victim. Moreover, being substantially the same sacrifice as that of the Cross, it possesses the same infinite value and sufficiency. [...] It is only in connection with this essential and proper value and efficacy that the concomitant effectiveness of the impetration, the merit and satisfaction of the Church, of the priest or secondary minister, and of the assisting faithful is to be considered, i.e., inasmuch as the Mass is also man's oblation.

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[83] Franz Xaver Wernz, S.J., and Pedro Vidal, S.J., *Ius canonicum*, vol. 7, *Ius poenale ecclesiasticum* (Rome: Typis Pontificiae Universitatis Gregorianae, 1938), 446–447.

[84] Cf. Ignatius J. Szal, *The Communication of Catholics with Schismatics: A Historical Synopsis and a Commentary* (Washington, DC: Catholic University of America Press, 1948), 45:

> Pope Benedict did not condemn outright the opinion of these authors, but he stated that in practice it was almost impossible to find verified all the conditions which were set by them for the lawfulness of the act in question.

This is a very important point, as many who hold the strict "*non una cum*" view often claim that the so-called "*una cum* Mass" is intrinsically unacceptable, displeasing to God and unable to produce grace. None of this can be sustained when one consults the approved authors on the efficacy and fruits of the Mass.

He continues:

> Of the effects which are accomplished by the Mass, the goods and benefits attained or ends and purposes achieved, some of them, viz., the latreutic or the worship of adoration and the eucharistic or the thanksgiving directly regard God and are infallible and automatic (*ex opere operato*), since, due to the holiness and merits of Christ, this Sacrifice is always and unfailingly pleasing and acceptable to God; the others, viz., the impetratory or the entreaties for spiritual and temporal goods, the propitiatory or the reconciliation with God, and the satisfactory or the remission of sins and their temporal punishment, directly regard man and are the fruits and benefits accruing to man from the Mass. These latter especially are called the fruits of the Mass and are received in a limited degree and extent. [...] Thus, as with the Sacrifice of the Cross, the Sacrifice of the Mass in the application of its effects, in its fruits directed towards man's welfare, depends not only upon the efficacy of the principal cause, Christ, but also upon the dispositions of those for whom entreaty, propitiation or satisfaction are offered.

He distinguishes between the general, special (or ministerial) and most special fruits, which we have seen explained elsewhere. These notions are common to the authors who comment on the value, efficacy and fruits of the Mass, although those who defend the strict "*non una cum*" position hardly ever advert to them in their argumentation.[85]

He concludes from all this:

> The application of the Mass, therefore, is the particular determination or disposition which the celebrant makes of the fruits to be enjoyed from the Holy Sacrifice. The beneficiary derives special impetratory, propitiatory and satisfactory effects, while at the same time adoration and thanksgiving are offered in his name. It is certain teaching that the priest alone has this power by his intention to apply the fruits of the Mass.

Further down, he gets to the case at hand:

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[85] For a fuller explanation of these notions, see Abp. William Walsh's articles in the *Irish Ecclesiastical Review* (I. E. Record, third series, vol. iii.. No. 12, Dec. 1882, and vol. iv. Jan., April, and August 1883).

> The Mass may be applied to all the living without distinction as long as the Church places no restrictions. Mass may be offered privately for those who are excommunicated and also for a *vitandus* but only for his conversion. Heretics, schismatics and even infidels may have Mass said for them (the priest even accepting a stipend), but not publicly and no scandal must be given by this celebration. By private celebration it is meant that the Mass is not announced and that only the priest or a few know for whom it is being applied, e.g., the family or a few friends. Even if the celebration is public, the application must be secret and always scandal must be avoided.[86]

Relevant to this, St. Thomas, concerning excommunication, says:

> It seems that the excommunicated about whose excommunication the wise (*sapientes*) have different opinions should not be avoided (*non debeant vitari*).
>
> **OBJ. 1**: For, according to the laws, a bishop cannot remove a benefice which he has granted to a cleric without fault (*sine culpa*). But no less is the communion of the faithful due to any faithful than a benefice is due to a cleric conferred upon him by the bishop. Therefore, neither must the communion of the faithful be subtracted (*subtrahenda*) from someone without fault. But when it is doubted whether a cause is present (*dubitatur an causa subsit*), the mind of a good man should be more prompt to interpret it in the best way (*inmitiorem partem*). Therefore, from the fact there is doubt about the excommunication of some, someone should rather maintain they are not excommunicated, and thus he should not avoid them.
>
> **ON THE CONTRARY** is that, if someone struck in war dies, if it is not known who struck him, on account of the doubt any man who took part in the war is considered irregular according to the laws. Therefore, by a similar principle it seems that, from there being a doubt regarding whether some are excommunicated, on account of greater caution they must be avoided (*propter maiorem cautelam sunt vitandi*).
>
> **I ANSWER THAT** a doubt concerning the excommunication of some men either precedes the sentence of the judges or follows (*praecedit sententiam iudicum aut sequitur*).
>
> If it precedes, for example when it has not yet been declared through the consensus of the judges (*nondum est declaratum per iudicum consensum*) that they are excommunicated, they must not be avoided until it should be terminated by a settled judgment (*quousque certo iudicio*

[86] Nicholas Halligan, O.P., *The Administration of the Sacraments* (Staten Island, NY: Alba House, 1963), 130–134.

terminetur). For in this case it is true that we ought (*debemus*) to interpret in the best way. Hence also in Deuteronomy 17:8–10 it is said: *if you should observe that a judgment before you is difficult and ambiguous . . . and of the judges within your gates you should see that words vary . . . you shall come unto the priests . . . and unto the judge . . . and you shall ask from them . . . and you shall do whatever they should say.*

But, if it is ambiguous after the concurring determination of the judges (*post concordem iudicum determinationem*), the sentence of the judges must stand, for two reasons. First, indeed, because judges more solicitously sifting the case can perceive the truth more fully, even if they are less expert (*minus periti*) than others who are consulted perfunctorily and extraordinarily (*perfunctorie consuluntur et extraordinarie*). Second, because it would be to the great harm of the common utility of the man's state if the sentence were not to stand, and any man for his pleasure (*pro suo libitu*) would wish to heap calumny upon a sentence since then the litigations would be interminable. And for this reason, in such a case, the sentence of the judges must stand, unless perhaps it is suspended through appeal (*nisi forte sit per appellationem suspensa*).

REPLY OBJ. 1: And through this the response to the objections is clear.[87]

The Vatican pronouncements Fr. Cekada referenced throughout this article either concern particular persons who were deposed, excommunicated, anathematized or condemned by competent authority, or persons who belonged to non-Catholic sects known and condemned as such by the authority of the Church. Even the example he gives of a Methodist fits into this description. Rather, we are dealing here with persons who were baptized in the Catholic Church but who have, in an external manner, doubted or denied dogmas of divine and Catholic faith, yet protest that they are still Catholics. Most regard these men as Catholics, some consider them to be formal heretics, and among these, some consider them to be notorious heretics and some consider them to be occult heretics. Clearly there is no consensus, and therefore it is arguing too much to claim that all are bound by law to observe the consequences of their being excommunicated.

(3) Fr. Cekada next answers the objection from the notion that Leo XIV is pope materially. His response is correct, but a comment to be made here is that those who adhere to the Thesis of Cassiciacum do not believe that the current occupant of the Apostolic See is deprived of Papal power "because he is a heretic," but rather because he lacks, in a habitual manner, the objective intention to realize the Good-End of the Church, i.e. the glorification of God by means of the salvation of souls.

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[87] Thomas Aquinas, *Quaestiones quodlibetales*, Quodlibet IV, q. 8, a. 3, Aquinas Institute.

Furthermore, Bp. Guérard des Lauriers, O.P., who first articulated this position, held that the first prayer of the Canon should be modified rather than omitting the "*una cum*" clause. He said:

> The mandate "*ab Ecclesia*" subsists, as we have just seen, potentially, in the group J for example, by reference to the Authority which itself subsists only potentially in the Apostolic See. "Potentially", in the sense that the will of the person who is pope *materialiter* is in potency to a possible actuation [whether this actuation is realised in the very person of Mgr Wojtyla; or, BETTER, of another person, for the continuous and systematic desertion practised by this personage renders him manifestly unfit to exercise the sovereign Pontificate]. Now, if it is fitting to grasp and define nature in what is in act rather than in what is in potency, one would commit an error in signifying the reality of the potency by that of the act. One must signify the reality of what is in potency by that which is already actuated of it, not by that which will, eventually, be actuated later.
>
> One must therefore designate such a human subject whose will is "in potency" to a possible actuation, by that which constitutes the condition already currently realised of this possible actuation. One must designate the person who is pope *materialiter* by that which is already actuated and thus permits him to be "in potency" to becoming Pope *formaliter*. Now that which is already actuated consists in this: that this person occupies the Apostolic See. One therefore declares that the Church is "*una cum Sede apostolica*".
>
> And the faithful of the group J who declare it thus co-signify, for the group J, what they express concerning the Apostolic See.
>
> The group J, which is currently constituted as *omne*, by reference to the Apostolic See occupied *materialiter*, is in potency to being constituted as *totum*, since the Apostolic See is in potency to being occupied *formaliter*. Thus the mandate "*ab Ecclesia*" is indeed inherent in the group J because the latter refers itself *in primis* to the whole Church, the latter being headed by the Apostolic See. The mandate "*ab Ecclesia*" subsists really, even though it finds itself in a state of privation with regard to a possible actuation, just as the Apostolic See is really occupied, even though it be materially, and privatively, with regard to the actuation required for it to be occupied formally.

> One sees therefore that the formula "*una cum Sede apostolica*" expresses with exactitude what is the status of the mandate "*ab Ecclesia*" in the Church militant become passingly the Church suffering.[88]

(4) Fr. Cekada next answers the objection from Canon 2261.2 regarding petitioning *simpliciter tolerati* excommunicates, for a just cause, for the Sacraments and sacramentals. He dismisses this as a *non sequitur* since his arguments do not rely upon the notion that the "resistance" clergy have incurred the penalty of excommunication, but rather that active participation in their public common worship is sinful. He furthermore claims that Canon 2261 only concerns the reception of a Sacrament, not hearing Mass.

The text of Canon 2261 reads:

> § 1. One excommunicated is prohibited from confecting and administering licitly the Sacraments and Sacramentals, except for the exceptions that follow.
>
> § 2. The faithful, with due regard for the prescription of § 3, can for any just cause seek the Sacraments and Sacramentals from one excommunicated, especially if other ministers are lacking, and then the one who is excommunicate and approached can administer these and is under no obligation of inquiring the reasons from the one requesting.
>
> § 3. But from a banned excommunicate and from others excommunicated after a condemnatory or declaratory sentence has come, only the faithful in danger of death can ask for sacramental absolution according to the norm of Canons 882 and 2252 and even, if other ministers are lacking, other Sacraments and Sacramentals.[89]

Rev. Charles Augustine, O.S.B. comments:

> However, there are *exceptions* stated in our canon, and consequently the penalty and irregularity just mentioned do not affect those administering the Sacraments under such circumstances. The exceptions are:
>
> 1. *Provided the minister is not a vitandus or under a declaratory or condemnatory sentence, the faithful may, for any just reason, ask him to administer the Sacraments and sacramentals to them.* This is more especially true if no other minister is available, in which case the

[88] Michel-Louis Guérard des Lauriers, O.P., "La question dite de l'Una Cum," *Sous la Bannière*, supplement to no. 11 (May–June 1987), 14.

[89] *The 1917 or Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus*, curated by Edward N. Peters (San Francisco: Ignatius Press, 2001), 616.

> excommunicated minister thus asked may administer the Sacraments and sacramentals without as much as inquiring for the reason why the petitioner wishes to receive them. Hence the faithful are to judge in such cases whether the reason is just. Any reason may be called just which promotes devotion or wards off temptations or is prompted by real convenience, for instance, if one does not like to call another minister.
>
> This mitigation—such it is even in comparison with Martin V's decree "*Ad evitanda*"—is accorded only in case the minister is not *vitandus* nor under a declaratory or condemnatory sentence[.]

He comments on the third exception, saying:

> "*Deesse*" is not precisely synonymous with "*non adesse*" (see can. 1098, n. 2), for the former term, in classical language, means "to fail, to be wanting"; yet in connection with an object in the dative case it may also signify, "to be absent, not to be there." Hence by a benign, though legitimate, interpretation we dare say that if no other non-excommunicated priests are present, an excommunicated one may administer all the Sacraments and sacramentals when there is danger of death. This interpretation is justified by the psychological condition of the sick person and affords another proof of the kindness of the Church.[90]

Rev. Stanislaus Woywod, O.F.M. comments:

> This concession to the faithful does not entitle the minister to disregard the penalties of the excommunication which he has incurred except in those instances in which the faithful request him to administer the Sacraments to them. Sole and other commentators maintain that an *implied* petition of the faithful for the Sacraments also entitles the minister whose excommunication is occult to say Mass (e.g., on Sunday at the hours when the people expect Mass to be said) and administer the Sacraments. There is no need of bringing this case under Canon 2261, § 2, for Canon 2232 rules that a person under secret censure need not betray himself by abstaining from acts forbidden by excommunication under circumstances which endanger his reputation. Canon 2261, § 2, permits the faithful to ask the Sacraments from an excommunicated minister, though his excommunication is publicly known, but they may not request him, except in danger of death, if the minister is an *excommunicatus vitandus*, or if excommunication has been imposed on him by a declaratory or condemnatory sentence.[91]

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[90] Charles Augustine Bachofen, O.S.B., *A Commentary on the New Code of Canon Law*, vol. 8, *Penal Code (Book V) (canons 2195–2414)*, 3rd ed. (St. Louis: B. Herder Book Co., 1931), 182–183.

[91] Stanislaus Woywod, O.F.M., and Callistus Smith, O.F.M., *A Practical Commentary on the Code of Canon Law*, rev. and enlarged ed. (New York: Joseph F. Wagner, 1957), 441.

Rev. Francis Hyland comments:

> According to Canon 2261, an excommunicate, whether a *vitandus* or a *toleratus*, is forbidden to celebrate the Holy Sacrifice of the Mass, to administer the sacraments and to prepare and administer the sacramentals. From the Decretals, it is clear that excommunicates were forbidden not only to celebrate Mass and administer the sacraments, but also to perform any ecclesiastical or sacred function whatever.
>
> [...]
>
> Like all rules, the one prohibiting the active use of the sacraments and sacramentals to excommunicates has its exceptions. It has ever been the desire of the Church that those who have been expelled from the communion of the faithful by the censure of excommunication come as soon as possible to a realization of a sense of duty, obtain absolution from the censure and once again participate in the incalculable blessings of the Christian society. This is the very aim and purpose for which the Church places one under ban of excommunication. Yet the Church has never meant by her legislation to favor those whom she found necessary to expel from the communion of the faithful. As was remarked before, the distinction between the *tolerati* and the *vitandi* was introduced in favor of the faithful and not to benefit excommunicates. In like manner, the relaxations which the Church has made in the law forbidding the active use of the sacraments and sacramentals to excommunicates were granted in favor of the faithful. The Church does not desire that the spiritual welfare of her children should suffer by the malice of those to whom she has entrusted the dispensation of her spiritual goods.
>
> [...]
>
> Canon 2261, § 2 has reference to petitioning the sacraments and sacramentals from excommunicates who are neither *vitandi*, nor *tolerati* against whom any sentence, either declaratory or condemnatory, has been issued. They will be spoken of as the *simpliciter tolerati*. For any just reason, the faithful may request a *simpliciter toleratus* to administer the sacraments and sacramentals, especially when there are no other ministers available. When so requested, the excommunicate may administer the sacraments and sacramentals and he is not obliged to inquire why the petitioner wishes to receive them. The principle reason for which the faithful may ask the sacraments and sacramentals from a *simplicter toleratus* is the absence of other ministers. However, it is not the only reason; any just cause will suffice; a grave cause is not required. As examples of just causes which will permit the faithful to request the sacraments

> and sacramentals from a *simpliciter toleratus* may be mentioned, the earlier conferring of Baptism, the dispelling of a doubt concerning the gravity of a sin, the intention of approaching Holy Communion with greater purity of soul, the intention of receiving the Holy Eucharist more frequently, etc. "Any reason may be called just which promotes devotion or wards off temptations or is prompted by real convenience, for instance, if one does not like to call another minister."
>
> [...]
>
> In order that a *simpliciter toleratus* may licitly celebrate Mass, administer the sacraments and prepare and administer the sacramentals, he must be requested to do so (*requisitus*). It is not necessary, however, that the request be explicit. Almost all authors teach that an implicit or reasonably presumed petition suffices. Such a petition is had whenever the good of souls demands the celebration of Mass, the administration of the sacraments, or the preparation or administration of the sacramentals and there is present no other minister besides a *simpliciter toleratus*. Hence, such an excommunicate may show himself ready to hear confessions on Saturdays and vigils of feasts, to distribute Holy Communion even on week-day mornings, to celebrate Mass on Sundays and Holydays, and it would seem in these days of daily attendance at Mass, even on days throughout the week. All of this, of course, presupposes that such a course of action does not result in scandal, which, it may be added, would seldom be the case with regard to a *simpliciter toleratus*.[92]

Wernz-Vidal comment:

> **280.** III. **Deprivation of the confection of the sacraments** (can. 2260). Excommunication deprives of the power of celebrating the sacrifice of the Mass and of conferring the sacraments, that is, of the *active use* of the sacraments. This prohibition of itself affects all the excommunicated, unless it is a matter of cases excepted in law. Of the greatest moment is that exception by virtue of which 'the faithful may ask for the Sacraments and Sacramentals from one who is simply excommunicated for any just cause whatsoever (*ex qualibet iusta causa*), especially if other ministers be lacking, and then the excommunicated person who is *requested* may administer the same, nor is he held by any obligation to inquire into the reason from the one requesting' (cited canon, § 2). Besides this case, there excuse from the prohibition probable ignorance in the excommunicated person (*ignorantia probabilis in excommunicato*), grave necessity of the recipient (*gravis necessitas recipientis*), or grave inconvenience to the

[92] Francis Edward Hyland, *Excommunication: Its Nature, Historical Development and Effects* (Washington, D.C.: Catholic University of America Press, 1928), 88, 89–90, 91–92, 92–93.

> excommunicated minister, especially that of exposing and defaming himself. But this excuse, as is self-evident, does not favour the *notoriously* excommunicated (notorio *excommunicato*).
>
> [...]
>
> He who asks for a sacrament or sacramental from an excommunicated person without any just cause (*sine aliqua iusta causa*), when other ministers are not lacking, provided the excommunication is certainly known to him (*ipsi certo constet*), acts unlawfully and frustrates the law of the Church which bars the excommunicated person from administering the sacraments and sacramentals. Since today absolution from the censure can be so easily obtained, an excommunicated person not yet absolved is to be presumed a sinner, nor is it lawful without a proportionate cause to take part in his sacrilegious administration (*nec licet sine proportionata causa partem habere in eius sacrilega administratione*).[93]

Evidently this canon does include requesting a Mass in order that one may assist at it and receive Holy Communion from a *simpliciter toleratus*, even by an implicit or presumed petition, and for any just cause whatsoever. Fr. Cekada's response therefore falls with a denial.

(5) Fr. Cekada next answers the objection from the obligation arising from the ecclesiastical precept to hear Mass on Sundays and Holy Days. He dismisses this as inapplicable because the sins imputed to the attendant congregation excuse one from attending.

The text of Canon 1249 reads:

> The law of hearing the Sacred [rites] is satisfied wherever Mass is celebrated in a Catholic rite under the sky or in any church or public or semi-public oratory and in the little building of a private cemetery mentioned in Canon 1190, but not in other private oratories, unless this privilege has been granted by the Apostolic See.[94]

Rev. Timothy Bouscaren, S.J. in his *Canon Law: A Text and Commentary*, says:

> **Place for Fulfilling the Precept of Hearing Mass.** The precept of hearing Mass is fulfilled by being present at Mass celebrated in any Catholic rite, either in the open (*sub dio*) or in any church or public or semipublic oratory, or in the private cemetery chapels mentioned in canon

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[93] Franz Xaver Wernz, S.J., and Pedro Vidal, S.J., *Ius canonicum*, vol. 7, *Ius poenale ecclesiasticum* (Rome: Typis Pontificiae Universitatis Gregorianae, 1938), 289–290.

[94] *The 1917 or Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus*, curated by Edward N. Peters (San Francisco: Ignatius Press, 2001), 378.

1190, but not in other private oratories unless this privilege was granted by the Holy See **(c. 1249).**

1. The Mass may be celebrated in *any Catholic rite;* therefore an Oriental may satisfy the precept by hearing Mass according to the Latin rite, and a Latin by hearing it according to any of the Catholic Oriental rites.
2. The place may be *in the open*, the Mass being celebrated at a portable altar. A portable altar on board a ship, in an accessible place (not, for example, in a private cabin) is considered as morally equivalent to an altar in the open.[63]

The footnote here reads:

> A Coronata, II, n. 824. We do not, however, agree with this author that attendance at Mass said *anywhere* on a portable altar would satisfy the precept.[95]

Augustine comments:

> As stated in the historical note, every holyday of obligation is a day of rest and worship. Hence on these days *Mass must be heard*. This obligation obliges all the faithful of the Latin Church and the inhabitants of China and other missionary countries under the S. C. P. F. The obligation is grievous, binding under mortal sin. One does not comply with this precept by hearing two or even four parts of Masses said simultaneously by different priests. It may not be amiss to set forth here what the S. C. P. F. answered the Vicar Apostolic of Ueskub in Servia; for it has a general bearing. Not only distance, but also the condition of roads, as well as age, sex, and mental attitude of the faithful must be taken into consideration where there is question of excusing them from the obligation of attending Mass on holydays of obligation. If going to church would cause a great inconvenience, one may be freed from the duty; but if the distance is not great, or the fatigue would be but small, the obligation does not cease. The decision refers to the theories of the moralists, who may therefore be consulted.
>
> [...]
>
> The law of hearing Mass may be complied with by attending a Mass said in any Catholic rite (Latin, Greek, Syriac, Coptic, or Armenian). Hence Ordinaries or priests are not allowed to forbid the faithful to frequent a church of another rite, although they may exhort them to come to their own church, especially on holydays. One restriction, or rather natural condition,

[95] T. Lincoln Bouscaren, S.J., and Adam C. Ellis, S.J., *Canon Law: A Text and Commentary*, 3rd rev. ed. (Milwaukee: Bruce Publishing Co., 1953), 693–694.

must, however, be added. The law requires that Mass be *heard*. If a Catholic of the Latin rite would enter a Greek Church, not knowing what kind of celebration or function he was attending, he certainly could *not* be said to hear Mass, although we readily admit that external attention only is required.[96]

Wernz-Vidal comment:

> The precept of observing feasts instituted by ecclesiastical authority for divine worship obliges under *grave sin* all the faithful of Christ who have completed their seventh year and are endowed with the use of reason, from midnight to midnight (can. 1246).
>
> [...]
>
> Insofar as the precept of the Church is *affirmative*, it first of all gravely obliges all the faithful listed above, so that on each individual Sunday and feast of precept they be morally present *in their entirety* at Mass in a parish church or another *public* church or public or *semipublic* oratory, not merely materially, but *formally* assist, namely with that intention and attention which is sufficiently required for the worship of God. The precept is also satisfied if one is legitimately present at a Mass celebrated in the open and in any Catholic rite whatsoever, likewise if it is celebrated in the private chapels of cemeteries (cf. can. 1190), but not in other private oratories (can. 1249).
>
> This obligation of hearing Mass ceases only if one is excused on account of causes of *necessity*, *charity*, or *piety*, that is, of physical or moral *impossibility*, or is freed through a legitimate *dispensation*.[97]

Rev. John Guiniven, C.Ss.R, in his dissertation *The Precept of Hearing Mass*, says:

> Canon 1248 merely prescribes that on Sundays and Feastdays Mass must be heard. In doing so, it simply restates the former discipline relative to this observance. Therefore, in accordance with canon 6, 2°, the precept of hearing Mass as obligatory today is to be estimated according to the interpretations of approved authors. The nature and gravity of the obligation, its matter, and the causes which excuse from its fulfillment, etc., are to be determined according to the teaching of recognized canonists and theologians who wrote before the Code. Post-Code

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[96] Charles Augustine Bachofen, O.S.B., *A Commentary on the New Code of Canon Law*, vol. 6, *Administrative Law (canons 1154–1551)*, 3rd ed. (St. Louis: B. Herder Book Co., 1931), 173, 175.

[97] Franz Xaver Wernz, S.J., and Pedro Vidal, S.J., *Ius canonicum*, vol. 4a, *De rebus* (Rome: Typis Pontificiae Universitatis Gregorianae, 1934), 604, 604–605.

> authors have followed out this prescription of canon 6, 2°, and accordingly have adopted, with some few exceptions, the opinions of pre-Code authors.
>
> One exception may be found in canon 1249 which makes a special provision as to the place where the obligation of hearing Mass may be legitimately fulfilled. The prescription contained in this canon differs from the old law, and therefore requires special interpretation. A special chapter of this study will be devoted to a consideration of that matter.
>
> [...]
>
> Canon 1249 states expressly that the precept of hearing Mass may be fulfilled by the attendance at Mass celebrated in any Catholic rite whatsoever. This is merely a repetition of the old law, and needs no explanation. The only doubt which may arise in connection with this is whether one would fulfill the precept if he were to hear Mass celebrated in a Catholic rite by a validly ordained priest of an heretical or schismatic sect. Though the attendance at such Mass is in itself gravely prohibited, and though one would commit a mortal sin by attending it, it seems probable nevertheless that the precept would be fulfilled.[1]

The footnote reads:

> Gaspard, *De Sanctissima Eucharistia*, η. 961 ; Vermeersch, *Theologia Moralis*, ΙΠ, η. 859; Vermeersch-Creusen, *Epitome*, Π, η. 563.

He continues:

> By the term 'church' is meant a sacred edifice dedicated to divine worship, especially with a view to enabling all the faithful to practice public worship. Since the Code makes no distinction, it follows that the precept can be fulfilled in any church, whether it be secular or religious, parochial or non-parochial. The obligation to attend Mass at the parish church is no longer in effect, because it has been abrogated not only by custom but also by subsequent decrees of popes, and this abrogation has been confirmed by the Code.
>
> [...]
>
> The classical, proper and only meanings of the phrase "sub dio" is "in the open air" or "under the open sky," etc. The meaning, therefore, is clear and there seems to be no justification for attributing to the phrase any other meaning. If the legislator intended to convey the idea that the precept of hearing Mass can be fulfilled in any place whatsoever, why did he use a classical phrase whose only and exclusive meaning is "in the open air"? Furthermore, if he intended to

> state that the Mass precept could be fulfilled everywhere outside of private oratories, why did he bother to enumerate churches, public oratories, semi-public oratories and private cemetery chapels, when all of these could have been included, with equal clarity, under the term "ubicumque" or some other synonymous word?
>
> [...]
>
> Therefore the writer of the present study maintains that the phrase "sub dio" as used in canon 1249 means "in the open air," and that any more extensive interpretation of its meaning is unjustified. The only possible conclusion, then, is that any person who hears Mass outside of a church, public or semi-public oratory, private cemetery chapel, or private oratory, does not, by reason of canon 1249, fulfill the precept, unless he attends a Mass celebrated in the open air. This opinion is supported by many authors.[98]

Merkelbach, who is cited here by Fr. Cekada, discusses the "ecclesiastical precept of assisting (*assistendi*) at the unbloody sacrifice and of hearing (*audiendi*) the whole Mass on Sundays and feast days, obliging under grave sin (*sub gravi obligans*) all the faithful of both sexes, after they have reached the years of discretion." As far as the divine law is concerned, he says that "there is given a divine precept of offering (*offerendi*) the unbloody sacrifice of the Mass in the Church (*in Ecclesia*), according to the words: *Do this in memory of me.* Therefore it is necessary (*necesse*) that the members of the Church should sometimes (*aliquando*) participate in this sacrifice by co-operation or at least by assistance (*per cooperationem vel saltem per assistentiam*)." He says that "[t]he precept obliges under grave sin, because its matter and end are grave, namely both that God may be honoured by the sacrifice in so far as the people unite their devotion with the celebrant (*in quantum populus affectum cum celebrante coniungit*), and that the memory of the passion and resurrection of Christ may be recalled."

Pertinent to our discussion is the following comment:

> For the valid hearing of Mass as commanded, a moral bodily presence is required, for which three things are required and sufficient (*exiguntur et sufficiunt*):
>
> 1. *That someone, according to the estimation of men, be judged united with the celebrant* (secundum aestimationem hominum censeatur unitus celebranti): whether directly, from a place not very distant, by seeing or hearing him (*videndo eum vel audiendo*); or indirectly, by joining himself to the crowd of assistants or to those who are in the sight

[98] John Joseph Guiniven, C.SS.R., *The Precept of Hearing Mass: A Historical Conspectus and Commentary*, Canon Law Studies, no. 142 (Washington, D.C.: Catholic University of America Press, 1942), 76, 110–111, 111, 118, 120.

of the altar, so that he can be said to be one of those standing around or a part of the multitude.

2. *In a place suited to the fulfilment of the precept,* which is indicated in can. 1249: "He satisfies the law of hearing Mass who is present at Mass of whatever *Catholic rite* (*quocumque* catholico ritu) it is celebrated [1], in the open air or in any church or public or semi-public oratory [2], and in private chapels of cemeteries; but not in other private oratories, unless this privilege has been granted by the Apostolic See," but only those who are comprehended in the indult and on the days conceded. The precept is however satisfied in the private oratories of Cardinals or Bishops, since they enjoy the rights and privileges of a semi-public oratory, and also in a "suitable place" (*loco decenti*) of which can. 822 § 4 speaks, where for a just and reasonable cause in some extraordinary case and by way of act (*ubi iusta ac rationabili causa in aliquo extraordinario casu et per modum actus*) Mass is celebrated by permission of the local Ordinary or of the major Superior of a religious order (Com. I. C., 26 March 1952); the priest himself moreover satisfies the precept by celebrating anywhere (*ubique*).
3. *And by at least some means* (aliqua saltem ratione)*,* through external signs, whether by sight or by hearing, whether by himself or through the actions or movements of the other assistants, *he can discern what is being done by the celebrant,* (discernere possit quid a celebrante agatur) even if *per accidens* he hears, sees, or understands nothing, as happens in the case of the deaf and blind.

The footnotes here read:

1. Vermeersch notes: therefore even if celebrated by a schismatic, it suffices, but the sin of communication in sacred things is committed (*ergo etiam si a schismatico fiat, sufficit, sed peccatum committitur communicationis in sacris*).
2. Concerning semi-public oratories, it does not follow (*non sequitu*r) from this that it is *lawful* to open them to all.

Another pertinent comment to our discussion:

> *Intention* is necessary, because the Church prescribes assistance at Mass as a sacred or religious act (*tamquam actum sacrum seu religiosum*); but assistance at Mass is of itself an indifferent action (*ex se actio indifferens*), which can be performed for diverse ends, e.g. *solely* to await a friend, to hear music, out of curiosity, out of lust, for gain, etc.; therefore in order that it may be not a profane but a sacred and religious act and also be performed for the worship of God

(*ad cultum Dei*), it must be determined by the intention of worshipping God (*per intentionem Deum colendi*). And indeed: *On the part of the object:* a) *The intention of performing an external act,* which he has who awaits a friend, *does not suffice, but over and above this an intention in some manner* (aliquo modo) *of worshipping God is required,* whether of offering the sacrifice, or of hearing Mass as a sacred act, etc. [...] *Nor is an explicit intention required* by which someone says: I intend to offer the sacrifice, to participate in what the priest does on behalf of the people, to pursue the four ends of the sacrifice (which is the best), *but an implicit one suffices,* contained in another act, such as is had e.g. by him who goes *in the manner of the faithful* (more fidelium) to the place where Mass is being celebrated: in this is included the intention of worshipping God or of offering the sacrifice.

As far as the attention required, he says:

> More probably (*probabilius*) *at least minimal internal attention* is also required, which is either to the words or actions of the priest, or to the meaning of the words and actions (or to the mysteries of the sacrificial action), or to divine things and to God who is worshipped by the sacrifice: for he who in no manner and not even confusedly (*nullo modo nec in confuso*) attended to at least the principal parts of the Mass would not be performing a human act (*actum humanum*). It suffices however to attend to the actions of the priest *in general* (in genere): for the Church prescribes no prayer or meditation during Mass, but only assistance at Mass (*sed solam missae assistentiam*).

He then addresses those things which excuse one from this precept, in particular:

> 1. *Physical or absolute incapacity*, whether a) spiritual, as in the case of those excommunicated or interdicted by name; and in the case of others, if the only priest present is one to be avoided (*si non adest nisi sacerdos vitandus*); or b) *corporeal*, as in the case of the sick confined to bed, those sailing at sea, those imprisoned (as also children whom their father keeps confined as a punishment and can detain even on a Sunday), those dwelling in places where Mass is not celebrated (*degentes in locis in quibus non celebratur missa*). [...] 4. *Necessity*, i.e. any cause that is moderately grave involving notable inconvenience or harm (*quaecumque causa mediocriter gravis involvens notabile incommodum aut damnum*), spiritual or bodily, one's own or another's: a) *Moral incapacity*, such as; [...] a great distance, unless a vehicle or other means be available without great expense: a great distance is deemed to be 1¼ leagues, and less according to the qualities of the person, such as age or infirmity, conditions of the air, roads, and severity of the weather, yet in such a way that habitual omission is more difficult to excuse.

He continues:

> *He who is legitimately excused from hearing Mass is not bound to supply it (*non tenetur supplere*)*[.] [...] But if the cause is permanent, by virtue of the natural and divine precept obliging to the sacrifice (*vi praecepti naturalis et divini obligantis ad sacrificium*), he is bound at some time to take turns with another (e.g. spouses may take turns), and if even this be impossible, he ought at some time (three or four times a year) to assist during the week; — otherwise there would for the rest be the danger of his gradually abstaining from all religious practice (*alias ceteroquin esset periculum quod paulatim ab omni praxi religiosa abstineret*). *Every precept in some manner obliges to employing means* so that it may be observed, and to avoiding obstacles which prevent it from being fulfilled. [...] *As regards means*: a) no one is bound to employ extraordinary means, e.g. a sick person to recover his health, or to make use of the privilege of a private oratory (even though he could do so conveniently), so that he may fulfil the precept; — b) to neglect *ordinary* means for the purpose of being unable to fulfil the precept is a sin; — c) to do this for another purpose is not a sin unless the precept is already pressing.[99]

We may surmise from all of the above that, since most traditionalist priests do not say Mass in the proper place[100], there is no obligation to assist at their Masses arising from the ecclesiastical precept to hear Mass, and therefore the faithful are excused from the precept if they cannot hear Mass elsewhere. The obligation arising from the natural and divine positive law to worship God still binds, however. Furthermore, even under the supposition that the "resistance" clergy are uncondemned schismatics and *simpliciter tolerati* excommunicates, one could still fulfill the precept by hearing their Masses as long as they are said in the proper place, although the circumstances would have to exclude any forbidden communication *in sacris*, as has already been explained.

This is confirmed by what Rev. Eric MacKenzie said in his treatise, *The Delict of Heresy*:

> 2. When the priest or other cleric is excommunicated, but has not received either a declaratory or condemnatory sentence, the faithful are permitted to ask and receive from him any Sacrament or Sacramental, especially if other ministers are absent. In these circumstances the said minister is free to administer to the faithful, and does not thereby violate the censure of

[99] Benedictus Henricus Merkelbach, O.P., *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 2, *De virtutibus moralibus*, 8th ed. (Bruges: Desclée de Brouwer, 1949), 716–724.
[100] For a fuller treatment of this subject, see Abbé Hervé Belmont's article "*Indulgences d'automne*."

> which he is conscious. The faithful are required to have a just cause for their request, but canonists do not require that it be a serious (*gravis*) cause; the earlier conferring of Baptism, the dispelling of doubt concerning the gravity of a sin and the state of conscience, the desire for greater purity of soul when approaching the Holy Table, or the wish to communicate more frequently, have been recognized as just causes for requesting Sacraments even from priests known to be under simple censure. Meanwhile the minister is not required to investigate the reasons impelling the faithful to approach him, nor to verify the justice of their reasons. On being asked to administer a Sacrament, he is immediately free (*ratione censurae*) to do so. Even more, canonists do not require him to wait for an explicit request. Any implicit or reasonably presumed petition will be sufficient. Hence, when no other minister is available, a priest who is consciously guilty of a delict of heresy may go to the Church, and show himself as ready to hear Confessions at the regular hours, to distribute Communion and celebrate Mass when the faithful gather for these purposes.[101]

Apropos to this citation, we give an argument here which was first presented by a confrere of ours:

> If a participant is united to the priest that offers Mass, and through the priest is united to anyone the priest offers the Mass for, the participant would not be united to the latter more than the former.
>
> Therefore, if it's possible to participate in a Mass offered by an undeclared heretic without being sinfully united to that heretic, then it's possible to participate in a Mass offered for an undeclared heretic without being sinfully united to that heretic.
>
> Since it is possible to participate in a Mass offered by an undeclared heretic without being sinfully united to that heretic (c. 2261), then it is possible to participate in a Mass offered for an undeclared heretic without being sinfully united to that heretic.
>
> Therefore, it is possible for a sedevacantist to participate in a Mass offered for someone they know is an undeclared heretic without being sinfully united to that heretic.

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[101] Eric Francis MacKenzie, *The Delict of Heresy: In Its Commission, Penalization, Absolution*, Canon Law Studies, no. 77 (Washington, D.C.: Catholic University of America Press, 1932), 79.

> Additionally, since offering the sacrifice for anyone is only communication in a wide sense, and not strictly communication at all, whatever unity exists between the participant and a heretic priest would be greater than whatever unity exists with the heretic prayed for.[102]

(6) Fr. Cekada next answers the objection from the principle that one may sometimes tolerate an evil for the sake of a greater good. He dismisses this as inapplicable since he claims that to actively assist at an "*una cum* Mass" is an intrinsically evil act.

We have already seen that to assist at Mass is in itself an indifferent act which derives its moral character from the intention of the one assisting and a complex set of circumstances. We will turn to a couple of authors to shed greater light on this.

Rev Ignatius Szal says:

> There are times when the Church does permit the faithful to receive the sacraments from a schismatical minister, but when such a permission is granted a necessary condition is set, namely, that the sacrament be administered according to the rite of the Church. It is not very likely that the schismatical minister will administer the sacraments in exactly the same rite as would be observed by a Catholic priest.
>
> However, before the faithful could receive the sacraments from a schismatical minister, there would have to be some certainty that the substantial or essential rites necessary for the validity would be observed by him when he confers the sacrament.
>
> As for the accessory rites, be they preceptive or directive, one could tolerate an omission or change in them. Suarez (1548-1617) held that if the non-Catholic minister employed other accessory rites which were of a superstitious character or foreign to the customs of the Roman Church, one could not co-operate in them. However, he admitted that one could sometimes tolerate them if there were no scandal or contempt of religion, and if at the same time one could not exclude the use of them.[103]

Rev. Timothy Bouscaren, S.J. says:

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[102] In Principio (@InPrincipio7), "Debate on the Una Cum Mass," X (formerly Twitter), November 4, 2022

[103] Ignatius J. Szal, *The Communication of Catholics with Schismatics: A Historical Synopsis and a Commentary* (Washington, DC: Catholic University of America Press, 1948), 62.

> Returning to the case of active but merely external participation, besides the instances mentioned above in which such action would be wrong in itself because of the thing done, we may imagine a case in which it would be wrong solely, or at least primarily, because of the circumstances. Suppose that the service, though conducted under heretical or schismatical auspices, happens to be genuinely valid, and identical with the corresponding Catholic service. In assisting actively the Catholic has the intention of participating in it as a Catholic service, which in a sense it truly is. Strictly speaking, his act is not wrong because of the thing done, though it may well be wrong because of the same two circumstances already mentioned, namely, the foreseen effect of danger to his own faith or to the religious loyalty of other Catholics.[104]

The Holy Eucharist is both a Sacrament and a Sacrifice. The Sacrifice is effected when the Sacrament is confected. We may distinguish in the Mass two elements, that which is substantial, viz. the consecration, and that which is accidental, viz. the ceremonies surrounding this act. The accidental rites may be either preceptive or directive. The prohibition against praying for excommunicates and commemorating them by name in the *Te igitur* is preceptive, and it is foreign to the customs of the Roman Church that heretics be prayed for and commemorated by name in the *Te igitur*.

Material cooperation is the concurrence in the external action of another but not in the evil intention with which it is done.[105] A change in the substantial rite is intolerable, for then the Sacrifice does not occur, yet a change in the accidental rite is tolerable, though sinful on the part of the minister if the rite is preceptive. A proportionate reason would be needed for one to tolerate a change in the accidental

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[104] T. Lincoln Bouscaren, S.J., "Co-operation with Non-Catholics," *Theological Studies* 3, no. 4 (1942): 477.

[105] Cooperation (from the Latin, "*cooperātiō*", lit. "to work with") is to be distinguished from communication (from the Latin, "*commūnicātiō*", lit. "to make common") and participation (from the Latin, "*participātiō*", lit. "to take part in") as a genus from a species. Although to take part in a public act of religious worship is to formally communicate in the worship, and consequently with the ordained minister conducting the worship, it does not necessarily connote a participation in the accidental and changeable parts of the rite, nor a formal communication with those associated with the rite, e.g. those for whom the Sacrifice is being offered. The celebrant is publicly offering the Sacrifice for Prevost, which *per se* is not contrary to the divine law. It is doubtful if it is even contrary to ecclesiastical law, since he has neither been denounced as a heretic nor declared a *vitandus*. However, the act is disordered *per accidens*, insofar as, in the estimation of the one assisting, it signifies something contrary to reality, i.e. that he is a member of the Church and the Pope *simpliciter*. Presumably, the celebrant acts thus *in bona fide* and without committing a formal sin. Even if it be argued that active participation does connote implicit formal cooperation, this is with the exercise of the act of worship, i.e. with what pertains to its essence. It is for this reason that to actively assist or to take part in a public act of religious worship conducted by a non-Catholic minister is intrinsically wrong, because the ordained minister, insofar as he represents a non-Catholic religious body, is unable to objectively perform a legitimate act of religion, since only the true Church of Jesus Christ has the authority to prescribe and practice legitimate religious acts. His worship of the true God is false and superstitious *per se*, having its foundation in a false religion, which is opposed to right reason and therefore bereft of moral goodness.

rite, so long as there is no scandal or contempt of religion and if at the same time one could not convince the minister to do otherwise.

(7) Fr. Cekada next answers the objection that the priests who pray for and commemorate by name the current occupant usually do so in ignorance and with a good intention. He dismisses this because, as he says, "The mental state of the celebrant — whether he is in good conscience, means well, does not know better, etc. — is irrelevant."

We will address this later in the third part where Fr. Cekada appears to contradict this statement.

(8) Fr. Cekada next answers the objection that there are secret sedevacantists in the FSSPX who do not pray for the current occupant of the Apostolic See and commemorate him by name in the *Te igitur*.

He compares these persons to the *libellatici*, i.e. those who had secured certificates (*libelli*) of conformity from the proper civil authorities to attest that they had conformed to the religious tests required by the edict of the pagan Emperor Decius (ca. 250). The certificates stated that the petitioner declares that he was ever constant in sacrificing to the Roman gods, and has actually performed the test of conformity, in attestation of which he begs the pagan commissioners to sign his certificate. Obviously, this is an instance of denying the faith in deeds, which is a very severe accusation against the priests of the FSSPX.

Fr. Cekada argues that the official position and policy of the FSSPX, along with the pamphlets and images of the current occupant in their vestibules, create a public presumption that the priests affiliated with it pray for the current occupant of the Apostolic See and commemorate him by name in the *Te igitur*. In his opinion, the only way these priests can overcome this presumption is by removing his images from their vestibules and making a public announcement at the beginning of every Mass that they will not pray for and commemorate him by name in the *Te igitur*.

We may concede this point, but if an individual has certain knowledge the priest in question does not commemorate Prevost and the local Conciliar bishop, then we see no meaningful difference between his Mass and that of a sedevacantist or sedeprivationist minister. The only issue could be scandal, which we have already addressed.

(9) Fr. Cekada next answers the objection that there are conflicting opinions among priests about the permissibility of attending the *una cum* Mass, and in a doubtful matter, there is liberty.

He claims that those who disagree with him have done no extensive research to support their arguments, but merely make extemporaneous remarks without adverting to the gravity of the matter, giving as excusing causes either necessity or ignorance.

This is simply not true, as many have written articles contrary to this one, done extensive research and have adverted to the gravity of the matter. Necessity and ignorance are real excusing causes in a variety of moral cases, including this one. We have here made an attempt to systematically present our own arguments in reply to Fr. Cekada's, so hopefully this will satisfy those desiring it.

(10) Finally, Fr. Cekada replies to the objection that one has no other option than to assist at an "*una cum* Mass" lest they and their dependents lose the faith due to a privation of necessary graces. He dismisses this objection by claiming that one will receive no graces by attending an "*una cum* Mass," but rather offend God by attempting to purchase the fruits of the Mass "at the price of truth, faith, and holiness itself — at the price of a grain of incense offered to a heretic, a false pope and his false religion." He furthermore claims that one's dependents will have their faith corrupted and will lose all respect for priests, and that even if this didn't occur, it is still intrinsically evil to actively participate in an "*una cum* Mass", and so the objection does not stand.

The hidden supposition here is that these dangers (perversion of faith and scandal) are not present at "*non una cum* Masses," when in fact they often are. Some teach the idea that the hierarchy of jurisdiction has vanished, or that the *episcopi vagantes* affiliated with the traditional movement are the formal successors of the Apostles, or that these same bishops possess the power of designation and ought to convene an imperfect General Council to elect someone Pope, or that these same bishops have received immediately from Christ a commission to teach, rule and sanctify the faithful with authority, power and right, etc.

Many other points could be mentioned here, but suffice to say that all of the faithful find themselves in situations where they are forced to exercise the virtue of prudence and judge for themselves whether circumstances are such to justify, on a case by case basis, petitioning priests for the Sacraments and sacramentals, assisting at their Masses and hearing their sermons, regardless of the stance these priests take with regard to the vacancy or occupancy of the Apostolic See.

In conclusion of this part, we give what Rev. Martin Stépanich, O.F.M. said concerning this article:

> A determined and well-meaning attempt to settle things on that issue has indeed been made, **although the purpose was decidedly one-sided, inasmuch as the idea was to prove that**

in no way could traditional Catholics ever lawfully attend *una cum Benedicto* Masses. Research, described a "exhaustive research", has come up with the statement that "various popes and pre-Vatican II theologians taught that the laity who assist actively at mass, in so doing manifest their consent and moral cooperation with the priest as he offers the Sacrifice," but also to his adding of the name of B16 to the Canon of the Mass.

However, it is as plain as could be that there is no indication whatsoever, in the above quote, that the popes and pre-Vatican II theologians referred to gave any thought at all to Masses with the name of a false pope in the *una cum* phrase of the Canon. They undoubtedly had in mind the kind of Mass they knew, that is, the traditional Latin Mass of the ages, not anything like the *una cum Benedicto* Masses that we know today. The unquestionable fact is that the popes and theologians of pre-Vatican II times did not see with their own eyes the Modernist popes promoting a plainly new un-Catholic religion, the way we have been doing, nor did they hear with their own ears the false teaching of modernist popes and theologians, nor did they ever get to read their modernist un-Catholic writings. So they did not have occasion to warn against, and condemn, Masses like the *una cum Benedicto* Masses that today's traditional theologians, as well as informed lay Catholics, have been obliged to condemn repeatedly in these Vatican II times. Pre-Vatican II popes and theologians did not address the *una cum Benedicto* Mass issue, of which they knew nothing first hand the way we have known it.

If we try to use the words of popes and pre-Vatican II theologians, as already quoted above, and make them say that attendance at *una cum Benedicto* Masses is always absolutely forbidden under any and all circumstances, **it is we who are really doing that kind of forbidding**, not the popes and the pre-Vatican II theologians. Just try to find anything in the popes and pre-Vatican II theologians that totally and absolutely forbids any and all attendance at *una cum Benedicto* Masses by traditional sedevacantist Catholics. It just isn't there! (bold added)[106]

Part II: An Ex-Sede, the Motu Mass and Refusing Sacraments

Fr. Cekada in this article addresses the hypothetical case of a convinced and highly articulate sedevacantist named Titus who formerly traveled a great distance to assist at the Mass of Fr. Romanus. He began to assist regularly at the Indult, later, the Motu Mass, because he was tired of the travel and under the influence of conservative Catholics in his area. Fr. Romanus and his colleagues repeatedly

[106] Martin Stépanich, O.F.M., S.T.D., "Attendance at 'Una Cum Benedicto' Tridentine Latin Masses," *The Four Marks*, March 2009.

and with considerable patience explained to Titus why this course of action was wrong and attempted to dissuade him, but these efforts were to no avail. Fr. Romanus informed Titus privately that he commits a mortal sin by taking himself and his family to the Motu Mass, because he is intelligent, clearly understood the issues, and has had the principles explained clearly to him many times. Fr. Cekada concludes by saying that Fr. Romanus is obliged to refuse the Sacraments to Titus, because of his public defection(!) and because he was known to most of the traditionalists present at the gathering at which he had unexpectedly arrived and had announced his intention to listen to the address and then assist at the Mass. The topic of the address was why one should not actively participate in "*una cum* Masses."

A key presupposition in this article is that if someone explains the strict *non una cum* position to someone highly intelligent, and if they understand the issues underpinning it, then they cannot be excused from sin if they act upon the contrary opinion. This is not true, as the matter is disputed by wise and prudent people and has not been settled by any definitive judgment of the Church. We have already shown in the first part how far from conclusive Fr. Cekada's arguments are in establishing his opinion. Let it be remembered that he said concerning the strict view that "the foregoing conclusion, **in my opinion**, is the only one possible." (bold added)

We may draw an analogy here from what St. Alphonsus said concerning the Sacrament of Penance:

> Nor is it valid to say that the penitent is not disposed, since he does not wish to follow the judgement of the confessor (*non vult iudicium confessarii*). For the answer is that the confessor is not a judge of the opinions which the penitent is bound to follow (*non est iudex opinionum quas poenitens sequi teneatur*), but only of the disposition (*tantum dispositionis*) of his penitent[.] [...] But that the penitent wishes to follow this or that opinion has no bearing on the judgement of the confessor, unless the latter judges the opinion of the penitent to be evidently false (*nisi hic iudicet opinionem poenitentis esse evidenter falsam*). On which matter, as regards those opinions which concern the aforesaid disposition of the penitent, or even the administration of the sacrament — for instance, if the confessor judges that he does not have jurisdiction — the penitent must (*debet*) abide by the judgement of the confessor, and the confessor is bound (*tenetur*) to follow his own judgement; for otherwise, by absolving without due jurisdiction, or one whom he himself judges to be ill-disposed, he sins by acting against his own conscience (*contra propriam conscientiam*). As regards, however, other opinions which concern the obligation of the penitent (*obligationem poenitentis*), namely concerning those things which are to be done or avoided by the penitent, the confessor is not a judge (*non est iudex*), nor can he oblige (*nec potest obligare*) to follow his own opinion a penitent who wishes

> to follow the contrary opinion, which he himself thinks can be lawfully held not without foundation (*non sine fundamento*), as Adrian most excellently taught, saying: *If the contrary is held by several doctors, the priest ought not to presume so much of himself as to wish to constrain everything into his own opinion (which is perhaps erroneous).* Hence, when on the one hand the penitent forms for himself a judgement concerning the honesty of some action, and on the other hand the confessor does not have evident certainty of its falsity (*certitudinem evidentem de illius falsitate*), he is bound (*tenetur*) to absolve him as sufficiently disposed. And then he can, indeed he is bound (*tenetur*), to permit the penitent to follow his own opinion, if he cannot lead him away from following it (*si nequit abducere ab ea sequenda*), because (as we have said) the confessor is not a judge of controversies; otherwise, if for example the penitent were more learned (*doctior*) than the confessor, and wished to follow an opinion which he himself not without foundation considered more probable or even certain (*probabiliorem aut etiam certam*), the confessor could deny him absolution if he held the contrary opinion, which might perhaps be in itself erroneous (*in se erronea*); but this in no way seems possible to say, since it cannot be said (*dici nequeat*) that in that case the penitent sins by following his own opinion; but if he does not sin, he is already disposed, and as such has a right (*ius*) to absolution.[107]

If in normal times, when the Church is in order, a confessor is not the judge of controversies, how much less is a priest ordained without a canonical vocation or a canonical mission? If even a confessor cannot refuse a penitent absolution for disagreeing with his opinion on the honesty of some action, how much less can a priest deny someone Holy Communion for the same reason? “For they bind heavy and insupportable burdens, and lay them on men's shoulders; but with a finger of their own they will not move them.” Mt. xxiii. 4.[108]

In order that we may shed greater light on the principles governing the refusal of Sacraments, we will turn to some other canonists who comment on the matter.

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[107] Alfonso Maria de' Liguori, C.SS.R., *Theologia moralis*, vol. 2, ed. Francescantonio Zaccaria, S.J. (Turin: H. Marietti, 1891), 478.

[108] See John MacEvilly, Archbishop of Tuam, *An Exposition of the Gospels*, vol. 2, 6th ed. (Dublin: M. H. Gill & Son, 1898):

> It may be, He refers, both to the heavy load of the Ceremonial Law, to which they superadded a great multiplicity of human traditions. To this, add their rigid interpretation of the letter of the Divine Law, the stern severity with which they enforced it. All this rendered their precepts “insupportable.” The rigour with which they enforced the observance of the Sabbath may serve as an example of the latter. The words, “lay them on men’s shoulders,” conveys an idea of the haughty, authoritative tone, assumed by these men.

First, the canons relevant to our discussion are Canons 853 and 855. The first says: "Any baptized person who is not prohibited by law can and must be admitted to holy communion."[109] The second says:

> § 1. All those publicly unworthy are to be barred from the Eucharist, such as excommunicates, those interdicted, and those manifestly infamous, unless their penitence and emendation are shown and they have satisfied beforehand the public scandal [they caused].
>
> § 2. But occult sinners, if they ask secretly and the minister knows they are unrepentant, should be refused; but not, however, if they ask publicly and they cannot be passed over without scandal.[110]

Wernz & Vidal comment on these canons in their *Ius canonicum*, saying:

> I. The **subject** capable by divine law of receiving the sacrament of the Eucharist is every human being and only one who is a wayfarer and baptised, even an infant before the use of reason, and even one who has been permanently insane from birth; but by no means a *catechumen*, since without baptism he is not yet capable of receiving the other sacraments, nor a faithful person who is already *dead*.
>
> II. The **legitimate and worthy subject** of the Eucharist is every person who is capable by divine law *and moreover* possesses a sufficient *intention* and immunity of *soul* from *mortal* sin and the natural *fast* from midnight and decency of *body* duly disposed and not *prohibited* by a special *ecclesiastical* law. [...] Then, with just reason, all who are *publicly* unworthy are prohibited from holy communion, such as heretics, schismatics, excommunicates, those under interdict, those manifestly infamous, public sinners, unless their penance and amendment be established and they have first made satisfaction for the public scandal. *Hidden* sinners, however, if they ask secretly, and the minister of the sacrament has recognised them as not yet amended, he shall repel them; but not if they ask publicly and without scandal he cannot pass them over. The *insane* also, or the frenzied, are to be kept away from holy communion, unless when they have lucid intervals and show devotion while they remain in that state, and the danger of unworthiness be absent. Finally, *infants*, by the current discipline of the *Latin* Church, cannot be admitted to the sacrament of the Eucharist, so long as, on account of the

[109] *The 1917 or Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus*, curated by Edward N. Peters (San Francisco: Ignatius Press, 2001), 279.
[110] Ibid., 280.

> weakness of their age, they do not yet have knowledge and appreciation of this sacrament. But, *a)* in *danger of death*, in order that communion *may* and *ought* to be administered to children, it suffices that they know how to discern the Body of Christ from common food and to adore it reverently (can. 854); *b) outside the danger of death*, a fuller knowledge of Christian doctrine and a more careful preparation is to be required, namely that by which they perceive, at least according to their capacity, the mysteries of the faith that are necessary by a necessity of means for salvation, and that they approach the holy Eucharist devoutly according to the measure of their age.[111]

Woywod comments on these canons in his *A Practical Commentary on the New Code of Canon Law*, saying:

> Every baptized person, who is not barred by law, may and must be admitted to Holy Communion (**Canon 853**). Catholics may be barred from receiving Holy Communion either by the divine or the ecclesiastical law. [...] It seems that the divine law requires nothing further for the reception of Holy Communion than a valid baptism and the state of grace, and in persons who have (or have had) the use of reason, the intention to receive the Sacrament. The ecclesiastical law has added prohibitions not contained in the divine law, because the Church has the obligation to see that due reverence and respect are paid to our Lord in the Blessed Sacrament, and may therefore pass regulations which in her judgment are conducive to that end.

He continues:

> Catholics who are publicly known to be unworthy (for example, those who have been excommunicated or interdicted, or who are manifestly of ill repute) must be refused Holy Communion until their repentance and amendment has been established, and satisfaction has been made for the public scandal which they have given. Occult sinners, who secretly ask for Holy Communion, shall be refused by the minister if he knows that they have not amended; if, however, they seek Communion publicly and the priest cannot pass them by without scandal, he shall not refuse them (**Canon 855**).
>
> These rules are a restatement of the former law. It may be difficult in some cases to judge when a person is to be regarded as a public sinner. No general rule covering all cases can be given for

[111] Franz Xaver Wernz, S.J., and Pedro Vidal, S.J., *Ius canonicum*, vol. 4a, *De rebus* (Rome: Typis Pontificiae Universitatis Gregorianae, 1934), 131–133.

> distinguishing a public sinner from an occult one, and the circumstances of every individual case must be considered. The case of an occult sinner asking for Holy Communion publicly or secretly, is fully discussed by the moralists.[112]

Ayrinhac comments on these canons in his *Legislation on the Sacraments in the New Code of Canon Law*, saying:

> Any person who by baptism has become a member of the Church possesses a right to participation in her sacraments, and unless divine or ecclesiastical law, written or customary, has taken that right away from him or suspended, limited, or restricted its exercise he may and should be given Holy Communion whenever he reasonably asks for it. The presumption stands in his favor as enjoying the Christian privileges, except for some proof to the contrary.

He comments on the dispositions for Communion, saying:

> 1. *External Worthiness*. 1°. Divine and ecclesiastical law command absolute exclusion from the Holy Table of all persons publicly unworthy of it, unless they have shown signs of conversion and amendment and repaired the scandal given to the community.
>
> *(a)* The unworthiness is legally public when it has been formally confessed in court or pronounced by sentence of the judge; it is public in fact when it has become generally known. Some canonists do not consider as absolutely or strictly public the guilt known to the majority of the persons present, when, for example, the party who asks for Holy Communion is not known to the community generally. (Cappello, l. c., n. 74.) Public here has the sense of notorious in fact. Benedict XIV, who first formulated this law, used the two terms together, public and notorious, to qualify the offence excluding from the sacraments. (*Ex omnibus*, Oct. 16, 1756.)
>
> The Code names as publicly unworthy the excommunicated, interdicted, or notoriously infamous. Excommunication and personal interdict have that effect only after a condemnatory or declaratory sentence or after general divulgation (Can. 2232; Penal Legislation, n. 57); infamy must be notorious legally or in fact. (Can. 2197, 2293; Penal Legislation, n. 6, 161.) We may consider also as public sinners or publicly unworthy persons commonly known as living in

[112] Stanislaus Woywod, O.F.M., *A Practical Commentary on the Code of Canon Law*, vol. 1 (New York: Joseph F. Wagner, 1926), 407–408, 409–410.

concubinage or married outside of the Church invalidly, or belonging to a forbidden society, or engaged in gravely sinful occupations.

(b) When there is no scandal to repair, the mere fact of going to confession in presence of witnesses will ordinarily suffice as evidence of the necessary amendment, and often also approaching the Holy Table will be interpreted as an indication of conversion.
But when the case calls for the reparation of an injustice or a scandal, or for the removal of a proximate occasion of sin, fulfillment of these conditions must precede the administration of the Holy Eucharist.

2°. Occult sinners, that is, those whose unworthiness although real does not come under the provision of the law just considered, may ask for the sacrament of the Holy Eucharist privately or publicly. In the first case the sacred minister should repel them, unless he knows that they have amended; but if they ask publicly and he can not pass them over without scandal he must give them Holy Communion. By acting otherwise he might injure the sinner in his reputation, which he has not yet lost entirely; he might also turn away from the sacraments other people who would fear lest through levity, passion, or mistake the same humiliation should be inflicted on them.

In cases of doubt the exclusion should ordinarily not be pronounced, nor probably when the unworthiness, although public elsewhere, remains occult in the place and will likely continue so, at least for a good period of time.

Present conditions usually do not permit the same strict enforcement of the law as in times past and demand always great caution in its application.[113]

We see from all these canonists that the baptized have a right to receive Holy Communion, and as far as the public administration of the Sacrament is concerned, only those who are outside the Church or who are known to the community as living in the state of mortal sin are to be refused. Acting beyond this would be an infringement of their rights and scandalous, as it could lead others to abstain from the Holy Table through fear lest they suffer the same humiliation.

Finally, we will turn to Merkelbach's *Theologia moralis* to see his comments on this matter:

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[113] Henry Amans Ayrinhac, S.S., *Legislation on the Sacraments in the New Code of Canon Law* (New York: Longmans, Green and Co., 1928), 160–161, 168–170.

In his treatise on the Eucharist, specifically the part concerning the dispositions of the soul on the part of those who communicate, he says:

> **The subject capable of communion** is every and only a baptised human wayfarer, who alone is the proportionate subject of the Eucharist, because he alone is capable of its effects.
>
> [...]
>
> In adults, *for validity* (ad validitatem) there is required an *intention*, which for Viaticum suffices as habitual and implicit (*habitualis et implicita*): for he who wills to live as a Christian implicitly wills not to die without the sacraments; — *for* a *worthy and fruitful reception* (ad dignam et fructuosam receptionem) faith alone does not suffice (Council of Trent, session 13, canon 11), but three dispositions of soul are required (*requiruntur*); two remote: a) proof of the state of grace, and b) sufficient discretion, and one proximate: c) great devotion and reverence.

He defines "proof of the state of grace," which is required under grave obligation, as consisting in this, "that a person by prudent estimation (*prudenti existimatione*) be not conscious of mortal sin; or if he be conscious, that he first make a sacramental confession, howsoever contrite he may seem to himself (*quantumvis sibi contritus videatur*)." This proof is required by natural and divine law (*ex iure naturali et divino*), although the requirement for confession is by ecclesiastical law (*ex iure ecclesiastico*) "because without it, by perfect contrition alone, the reverence of the sacrament could be safeguarded (*consuli posset*)."

Further down, he says that "**to communicate with consciousness of sin is a sin of sacrilege, very grave** (***est peccatum sacrilegii valde grave***)." The reason is that "he who impedes the principal effect (*effectum principalem*) of the sacrament sins, because as far as he can he renders its signification false (*quantum potest reddit significationem eius falsam*); which is against the reverence due to the sacrament and to its institutor, Christ; whence it is sacrilege." He cites St. Thomas on this point:

> Whosoever receives this sacrament signifies that he is united to Christ (*significat se esse Christo unitum*), which is accomplished through charity (*per charitatem*), which no one has who is in mortal sin; and therefore he who receives it in sin commits a falsehood in this sacrament (*falsitati in hoc sacramento committit*), and therefore incurs sacrilege as a violator of the sacrament.

He gives a fuller explanation from St. Thomas' commentary on the Sentences:

> [H]e indicates that the abuse is threefold, as if from a threefold falsehood (*quasi ex triplici falsitate*), in the unworthy reception of the sacrament: 1° From the fact that it is a sacrament only (*sacramentum in tantum*), from which it appears that this sacrament is set forth in the manner of food, but food belongs only to the living; whence if one lacking spiritual life through mortal sin receives this sacrament, he abuses it. 2° From the fact that there is therein the reality and the sacrament (*res et sacramentum*), which is Christ himself, who is the Holy of Holies, whence its receptacle ought to be holy; and therefore if anyone receives the body of Christ with the corruption of holiness, he abuses the sacrament. 3° From the fact that there is the reality only (*res tantum*), which is the mystical body of Christ (*corpus Christi mysticum*), because from this very fact (*ex hoc ipso*) that someone approaches this sacrament, he signifies that he tends towards the unity of the mystical body (*significat se ad unitatem corporis mystici tendere*); whence if he holds sin in his conscience, through which he is separated from the mystical body (*per quod a corpore mystico separatus*), he incurs the guilt of fiction (in the strict sense), and thus abuses the sacrament.

As regards the instruction and discretion needed, he says:

> *From the nature of the thing* (ex natura rei) there is required such instruction and discretion that they at least (*saltem*) distinguish this sacramental table from a profane one, this heavenly bread from common bread: for by an adult, the sacrament is not received validly without an intention, which is impossible without the aforesaid instruction and discretion (*quae impossibilis est sine praedicta instructione et discretione*). For the sake of greater reverence, however, by custom (*ex consuetudine*) there is required greater instruction concerning the truths of the faith and the duties of the Christian life (*circa veritates fidei et officia vitae christianae*): which instruction, such as the ecclesiastical law has established, is not to be required for the Viaticum (*non est exigenda ad Viaticum*), which is prescribed by divine law.

Finally, he comes to the matter under discussion, and says:

> Holy Communion is to be denied to sinners (*peccatoribus deneganda est*), even to those who are deprived of their senses, unless they have given *certain* signs of penance (*nisi* certa *signa dederint poenitentiae*); likewise to those deprived of their senses whose disposition is unknown (*ignoratur*): for on the one hand it is not necessary for them (*non est ipsis necessaria*), and on the other hand reverence towards so great a sacrament is to be placed before the mere utility of

> the faithful (*merae utilitati fidelium*). [...] Communion is prohibited (*prohibetur*) both to the excommunicated (can. 2260, § 1) and to those personally interdicted (can. 2275, § 2), before they have been absolved from the censure.[114]

Here he refers back to an earlier part of his work, i.e. a section titled "Rules to be observed in the denial (*denegatione*) of the sacraments." Pertinent to our discussion is the following:

> The sacraments are to be denied generally (*generatim*):
> [...]
>
> 2° To a public sinner (*peccatori publico*), e.g. one excommunicated by name (*nominatim*) or notoriously (*notorie*) existing in mortal sin, whether he ask publicly or secretly (*sive publice sive occulte petat*), unless he appear amended (*emendatus appareat*) with the due dispositions; there is an exception, for the sacraments of necessity, in the article of death (*articulus mortis*), if he be deprived of his senses and there be at least some probability (*saltem probabilitas*) of due disposition;
>
> 3° likewise to a hidden sinner asking secretly (*peccatori occulto occulte petenti*), provided the minister knows (*cognoscat*) the sin otherwise than from confession, for otherwise the sinner cannot even be admonished outside of confession.
>
> B. *On the contrary*, to a hidden sinner asking publicly (*peccatori occulto publice petenti),* or to a public sinner asking in a place where he is not recognised as such nor is foreseen to be recognised shortly (*in loco ubi non agnoscitur talis nec praevideatur brevi agnoscendus*), if he cannot be passed over without scandal or defamation (*sine scandalo vel diffamatione*), Baptism, Confirmation, the Eucharist and Extreme Unction *are to be granted* (concedenda sunt); unless he wishes to receive the Eucharist in order positively to dishonour it (*ad positive eam inhonorandam*): for then he is to be repelled as an unjust aggressor of the honour due to the sacrament. Absolution, however, is given secretly, and Holy Orders are not given to all, whence they are to be denied to the ill-disposed.
>
> But if a sinner asks in the presence of only some small children or those who know the sinner (*praesentibus tantum quibusdam puerulis vel iis qui peccatorem cognoscunt*), he is considered to be asking secretly, unless they are going to divulge the matter (*nisi sint rem evulgaturi*).

[114] Benedictus Henricus Merkelbach, O.P., *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 3, *De sacramentis*, 8th ed. (Bruges: Desclée de Brouwer, 1949), 222–228.

> According to can. 2197, a *public* offence is one that has already been divulged (*iam divulgatum est*) or occurred in or is surrounded by such circumstances that it can and ought to be prudently judged (*ut prudenter iudicari possit et debeat*) that it will easily be divulged; whether it be notorious by *notoriety of law* after a sentence of the competent judge or the confession of the offender made in court (*post sententiam iudicis competentis aut confessionem delinquentis in iudicio factam*), or by *notoriety of fact*, when the offence is publicly known (*publice notum*) and committed in such circumstances that it can be concealed by no evasion and excused by no legal defence (*ut nulla tergiversatione celari nulloque iuris suffragio excusari possit*). It can, moreover, be public either absolutely, if it is known quite generally (*communiter*), or relatively, if the offence is known by many of those present or by the greater part (*a multis et praesentibus aut a maiore parte*), although it has not yet come to the common knowledge of the populace (*ad communem vulgi notitiam*).
>
> From can. 855, "the publicly unworthy are the excommunicated, the interdicted, and those manifestly infamous," such as prostitutes or concubinaries publicly known (*uti meretrices vel concubinarii publice noti*), "unless their penance and amendment be established and they have first made satisfaction for the public scandal." To these are to be equated heretics and schismatics, even those erring in good faith, to whom, according to can. 732, "it is forbidden to administer the sacraments… unless, their errors having first been rejected, they have been reconciled to the Church."
>
> In doubt about the publicity of the offence (*de publicitate delicti*), the sacrament is rather to be given (*potius dandum est*) to one asking openly (*palam petenti*); in doubt about the amendment or retraction of a certainly public offence (*delicti certo publici*), or about the removal of scandal, it is rather to be deferred (*potius est differendum*).[115]

We see again that only those Catholics who are *known* as public sinners in the place where they request the Sacrament are to be refused. As the matter under dispute is as of yet unsettled by any definitive judgment of the Church, leniency rather than rigor is to be observed: the priest is the custodian of the Sacraments, not their absolute possessor.

Fr. Cekada dismisses the objection that denying Sacraments to persons like Titus is akin to the sacramental policy of the Society of St. Pius V (SSPV), since they misapply the rules of the Church

[115] Ibid., 81–83.

concerning the refusal of sacraments on spurious grounds due to ignorance. However, the policy of the clergy of the SSPV for refusing Sacraments to anyone "who worships at religious services conducted by any of the Thuc bishops and their clergy" does not differ substantially from Fr. Cekada's, for both treat the respective persons they deny Sacraments to as non-Catholics for acting on contrary opinions to those they have formed with regard to disputed questions. We encourage the reader to read in full Fr. Cekada's own article against the SSPV's sacramental policy, and to watch the debate he held with Fr. Jenkins on this very point.

Part III: Mass in Union with the "Pirate Pope": Some Questions

Fr. Cekada again repeats the same claim he made in the first part, when he says, "On the face of it, the conclusion should just be a matter of common sense: If you don't believe that Francis is a true pope, you have no business participating in an act of worship that proclaims he *is*." Did he lack common sense while he was studying at Écône and when he permitted Abp. Lefebvre to ordain him?[116] Did Bp. Sanborn lack common sense when he commemorated Wojtyła for some years? I don't believe it is fair to say that they did.

He even says towards the end of this article, "I had thought for many years that the advice not to attend 'una cum' Mass was excessively severe." Which is it?

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[116] Anthony Cekada, interview by Stephen Heiner, "Trad Controversies, Episode 2: The Una Cum Issue," *Member Supported Restoration Radio*, October 26, 2020, audio, 6:08–10:06:

> From the time that I was a traditionalist, so that would be from about 1975 onward, when I entered the Pius X Seminary in Econe, Switzerland, I was what was later referred to as a sedevacantist. I didn't recognize Paul VI as a true Pope, by that time I had concluded that he was not a Catholic: he could not be a true Pope. [...] [Paul VI] was prayed for as Pope at Benediction and his name was mentioned in the Canon of the Mass, but at that point I had a strange feeling about it, but making a practical connection as how to act when it comes to something like this was something that, I have to say, I didn't figure out. I certainly didn't pray for him as the Pope. [...] I used to have to play the organ at the seminary loft for Benediction. During Benediction, in French speaking countries, they had the practice of singing the prayer "*Oremus pro Pontifice*", "Let us pray for our Pope," during the course of Benediction, but I would always make a point of retiring from the organ by the time it was to play for Benediction and encouraging the chanters, if they were going to do anything, please do it without me and do it *a cappella*. [...] I didn't make that much of a connection for myself, although I didn't recognize him as the Pope and I certainly wasn't going to do it. Even my first Mass, when I concelebrated at my ordination, Lefebvre certainly said the name of Paul VI in the Canon. When you are ordained the ordinands recite the prayers of the Mass from the Offertory on together with the celebrant, but I certainly didn't recite that with him, I just kept silent. [...] The assisting priest next to me was Fr. Dolan, and to make sure that I didn't make a mistake when it came to that he put his finger over the text. [...] I didn't quite reason out all the principles at that point.

Not only would, in his opinion, "the practical application of the principles" preclude the laity from assisting at Mass in many cases, but they also would have prevented him and his confreres from ever being ordained priests in the first place. Either he was bereft of common sense, "dim and poorly educated," or he wasn't. If he wasn't, can he hardly be excused from the sin of schism for having permitted himself to be ordained during the course of an "*una cum* Mass?" Did he defect from the faith by doing so? Was he complicit in not advising others to abstain for many years?

I'm of course not implying that any of these questions should be answered affirmatively, but all of these claims about how self evident his present opinion is, and how only the stupid and uneducated could think otherwise, are very much unnecessary in a scholarly presentation of a delicate moral issue.

Fr. Cekada goes on to claim that the laity, by their presence, consent to every accidental detail of the Mass. He furthermore claims that the laity are obliged to avoid the Mass of a priest who habitually and deliberately violates the preceptive rubrics of the Missal that bind under pain of mortal sin. However, he seems to except those cases in which the celebrant did so through error or inadvertence, or in light matter.

Let us look at what the authors say regarding the rubrics.

The edition of Rev. Jozef Aertnys, C.Ss.R.'s *Theologia moralis*, edited by Rev. Arnold Damen, S.J., concerning the observance of the rite of the Church, says:

> Rite is distinguished: 1° *Essential*, which is required on the part of the matter and form for the validity of the Sacrament; *accidental*, which is further prescribed by the Church, so that the Sacraments may be administered with due honour, reverence and fruit. The accidental rite can be different for different particular churches.
>
> 2° The accidental rite is either *preceptive*, which is to be observed under obligation (*sub obligatione*), or *directive*, which is to be observed only as a counsel.

The accidental rite is what we are concerned with here, of which he says:

> *Ministers ought to administer the Sacraments, outside the case of urgent necessity, with the solemnity and ceremonies observed, as instituted by the Church.* It is of faith, defined in the Council of Trent, session 7, canon 13, on the Sacraments in general[.] [...] The reason is that the celebration of the Sacraments has been committed by Christ to the Church, which are the

> professions of faith and which are the principal acts of public worship (*cuius fidei sunt professiones, cuiusque cultus publici sunt actus praecipui*). To Her, therefore, it pertains to regulate their administration.

He continues:

> II. *This precept* is grave of its kind (*ex genere suo grave est*), so that one is not free from grave fault who omits (*omittit*) the ceremonies prescribed and received by the custom of the Church in grave matter (*in materia gravi*). This is clear from the anathema with which the Council of Trent strikes those denying the obligation; for it proves that the matter concerns a precept of great moment (*de praecepto magni momenti*). Hither also pertains can. 2378: "Clerics in major orders who gravely neglect in the sacred ministry the rites and ceremonies prescribed by the Church and, having been admonished, do not amend themselves, shall be suspended according to the varying gravity of the offence (*et moniti sese non emendaverint, suspendantur pro diversa reatus gravitate*)."[117]

No one competent to do so has warned the "resistance" clergy that they are guilty of "grave neglect" in observing the "rites and ceremonies prescribed by the Church," so they are not suspended *a divinis* on this account. Strictly speaking, they are actually *observing* the rubrics of the Missal by commemorating the current occupant of the Apostolic See, and it is rather those who omit this commemoration that have to defend their conduct from a canonical point of view. Bp. Guérard des Lauriers, O.P. observed this when he said:

> But, in one case as in the other, it is to behave as though the See were vacant. Now, whatever the reality may be, to behave as though the See were vacant, *when the vacancy has not been officially declared*, entails, from the canonical point of view, the same irregularity as the incriminated clause. Here is indeed the comparative balance of the different courses of action. Such a phrase of the Canon can and must, by nature, undergo a temporary modification. Making this modification is subordinated to a canonical clause, namely the official declaration of vacancy. To omit totally or partially the phrase: "*una cum*", even though the canonical clause is not fulfilled, amounts therefore to effecting, in the text of the Canon, an arbitrary *suppression*. On the other hand, to pronounce the formula: "*una cum Sede apostolica*", amounts to effecting, in the text of the Canon, an arbitrary *alteration*. Now, even if one supposes that the maledictions of St. Pius V aim at those who would modify this phrase of the

[117] Joseph Aertnys, C.SS.R., and Cornelius Damen, C.SS.R., *Theologia moralis secundum doctrinam S. Alfonsi de Ligorio Doctoris Ecclesiae*, vol. 2, 17th ed., rev. J. Visser, C.SS.R. (Turin: Marietti, 1958), 24–25.

> Canon, they condemn *on an equal footing* the suppression and the alteration. He who practises the one must tolerate the other... remembering moreover that there can be no good solution.[118]

Rev. Dominicus Prümmer, O.P. in his *Theologia moralis*, concerning the rites to be observed, says:

> Principle: *All the rubrics of the Missal oblige in some way in conscience* (aliqualiter obligant in conscientia).
>
> Proof 1. St. Pius V strictly prescribes (*stricte praecipit*) in the Constitution which is read at the beginning of the Missal that Mass be celebrated according to the rite, manner and norm as noted in the rubrics of the Missal. Now such a general ecclesiastical law (*lex generalis ecclesiastica*) obliges in conscience.
>
> Proof 2. The Sacred Congregation of Rites in a decree, which likewise is found in the Roman Missal, "commands (*mandat*) that the rubrics of the Roman Missal be observed in all things and through all things (*in omnibus et per omnia*)," notwithstanding any pretext whatsoever and any contrary custom (*non obstante quocumque praetextu et contraria consuetudine*), which it declares to be an abuse. Now to say that such a precept is purely directive or penal is an assertion entirely gratuitous.
>
> Wherefore the distinction employed by several authors between preceptive and directive rubrics is of little utility (*parvae utilitatis*), both because no one has hitherto been able to assign which rubrics are preceptive and which merely directive [613], and because this distinction cannot be solidly proved (*nequit solide probari*). Therefore it must be said: whenever something is *determinately established* in the rubrics, this obliges in conscience; when, however, something is left to the *discretion* of the priest or bishop, or the opportunity of the priest is adduced, assuredly each person may act as is consonant with his own reasoning.

The footnote reads:

> Some authors are of the opinion that all rubrics to be observed *during* the Mass are preceptive, but those to be observed *before* or *after* the Mass are merely directive. This opinion, however, does not seem to be sufficiently well founded (*non videtur esse satis fundata*), since, e.g., the

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[118] Michel-Louis Guérard des Lauriers, O.P., "La question dite de l'Una Cum," *Sous la Bannière*, supplement to no. 11 (May–June 1987), 14.

> prayers which are to be said when putting on the sacred vestments are most commonly (*communissime*) held to be preceptive.

He addresses the gravity of the obligation:

> The rubrics of the Missal are positive ecclesiastical laws (*leges ecclesiasticae positivae*), and therefore, in order to judge the gravity of the obligation, the general rules concerning the obligation of ecclesiastical laws are to be applied; namely, one ought to attend to a) the *gravity of the matter*, b) the *common opinion of the doctors.*

Pertinent to our discussion, he says:

> 2. Any *notable* change (*mutatio* notabilis) in the Canon of the Mass is a mortal sin. So all hold. St. Alphonsus judges that it is already grave to omit ten words in the Canon.
> 3. Outside the Canon, to omit integral parts which ought to be said *in every Mass* is likewise considered (*censetur*) a grave sin, e.g. the omission of the Confiteor and all the other prayers to be said before the steps; the omission of the Epistle with the tract or gradual; the omission of the Gospel.
> 4. To omit one or another of those parts which *do not occur in every Mass* does not seem grave, e.g. to omit: the Gloria, the Creed, the commemoration, etc.[119]

In principle, therefore, it does seem that the rubric prescribing the mention of the reigning Pontiff or omitting the clause upon the vacancy of the See does bind under pain of mortal sin, although this is subject to the same qualification mentioned earlier, i.e. that from a canonical point of view the obligation falls on the part of those who omit this commemoration *prior* to a declaration of the vacancy to justify their conduct. It doesn't seem to be the case that one would sin if they provisionally continued to commemorate the current occupant, in virtue of what was decreed at the Fourth Council of Constantinople.

Before giving the canon, we will provide a short historical background for the Eighth Ecumenical Council.

The Fourth Council of Constantinople was convened by Emperor Basil I with the support of Pope Hadrian II, was held on October 5th, 869 and closed on February 28th, 870. St. Ignatius of

[119] Dominicus M. Prümmer, O.P., *Manuale theologiae moralis secundum principia S. Thomae Aquinatis*, vol. 3, 8th ed. (Freiburg im Breisgau: B. Herder, 1936), 216–217.

Constantinople had been deposed by the excommunicated bishop Gregory of Syracuse in a pseudo-synod, and his See was usurped by the layman Photius. He falsified the details surrounding Ignatius' exile to justify his intrusion into his See and later pretended to excommunicate and depose Pope Nicholas I, as well as pretending to excommunicate those subject to him. The Council deposed Photius and interned him in a monastery as well as reinstating Ignatius as the legitimate Patriarch. Those present were obliged to sign anew the previously mentioned *Formula* of Pope St. Hormisdas. The last remnants of Byzantine Iconoclasm and the interference of the State in Church affairs were condemned.

It is in light of this that we now give the relevant text of Canon 10:

> As divine scripture clearly proclaims, *Do not find fault before you investigate*, and understand first and then find fault, and *does our law judge a person without first giving him a hearing and learning what he does?*[120] Consequently this holy and universal synod justly and fittingly declares and lays down (*definit et statuit*) that no lay person or monk or cleric should separate himself from communion (*a communione se separet*) with his own patriarch before a careful enquiry and judgment in synod (*diligentem examinationem et synodicam sententiam*), even if he alleges that he knows of some crime perpetrated by his patriarch, and he must not refuse to include his patriarch's name during the divine mysteries or offices (*licet criminalem quamlibet causam eius se nosse praetendat, sed neque recuset nomen ipsius referre inter divina mysteria vel officia*).
>
> In the same way we command that bishops and priests who are in distant dioceses and regions should behave similarly towards their own metropolitans, and metropolitans should do the same with regard to their own patriarchs. If anyone shall be found defying this holy synod (*adversus hanc sanctam synodum deprehensus fuerit agere*), he is to be debarred from all priestly

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[120] This is a reference to Jn. vii. 51., where Nicodemus says:

> Doth our law judge any man, unless it first hear him, and know what he doth?

Cf. John MacEvilly, Archbishop of Tuam, *An Exposition of the Gospel of St. John* (Dublin: M. H. Gill & Son, 1898):

> Although it might be difficult to point out the text of the law, prohibiting what is here referred to; still, it is quite certain, that the whole spirit of the law of Moses, as seen in several places (Lev. 19:15–18, was, that justice should be done to the accused party, by a fair trial. The same was the practice of the Jews, as evidenced in the case of Susanna (Daniel). The same is dictated by the law of nature, or the law of justice itself, God's own original law, with which the law of Moses is always in accord. It was strictly adhered to by moral Pagans and by the Romans in particular (Acts 25:16.)

> functions and status (*ab omni sacerdotali operatione decidat et honore*) if he is a bishop or cleric; if a monk or lay person, he must be excluded from all communion and meetings of the church until he is converted by repentance and reconciled (*segregetur ab omni ecclesiastica communione atque collegio, quousque conversus per poenitentiam recipiatur*).[121]

In "The Grain of Incense," Fr. Cekada referenced a text titled *Missale mixtum*, the authorship of which is uncertain. It is the textual notes of Rev. Alexander Leslie, S.J., a Scottish scholar of the 18th century, with which we are concerned. Fr. Cekada gives a citation from them with regard to the diptychs: "The chief end and use of the diptychs was that Catholic communion might be maintained both among the living with one another and between the living and the dead; hence the most ancient use of the sacred diptychs."

A very important section, however, is omitted:

> The names of the departed are divided into three classes: [...] the second was subdivided into two classes, in the first of which were the names of all the bishops of that Church in which the solemnities were celebrated, **with the sole exception of those who had been legitimately condemned for heresy or some other crime...** (*iis solis exceptis qui haereseis, aliusve criminis, legitime damnati fuerant*) [...] Here were recited the names of the presbyters, deacons, subdeacons, and all the clerics of that Church, **with the exception of those who had been convicted of heresy or a capital crime** (*iis exceptis qui haereseis aut capitalis criminis convicti erant*). Hence St. Augustine (Ep. 78, *Edit. Maur.*), writing to the clergy and seniors of the Church of Hippo concerning a certain presbyter Boniface, **permitted that his name should not be publicly recited from the diptychs, if the presbyters and seniors of Hippo should so decide** (*permisit ut nomen ejus e diptychis publice non recitetur, si ita presbyteris et senioribus Hipponensibus visum fuerit:*): *For what harm,* he says, *does it do a man that human ignorance is unwilling to recite him from that tablet, if an evil conscience does not blot him from the book of the living.* Boniface had in fact been accused of a grave sin, which he persistently denied having committed; wherefore the holy bishop had reluctantly yielded to the clamours of the people and clergy that the name of **one not yet convicted** (*nondum convicti*) should be removed from the diptychs. (bold added)[122]

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[121] Fourth Council of Constantinople, *Decrees of the Fourth Council of Constantinople (869–870)*, Papal Encyclicals Online. Cf. Fourth Council of Constantinople, *Canons of the Fourth Council of Constantinople (869–870)* (Legal History Sources), 174.

[122] Alexander Leslie, S.J., notes to *Missale Mixtum secundum regulam beati Isidori, dictum Mozarabes*, in *Patrologia Latina*, ed. Jacques-Paul Migne, vol. 85 (Paris: Garnier Fratres, 1850), 541–542.

Rev. René Maere's entry in the *Catholic Encyclopedia* under the title "Diptych" was also cited earlier by Fr. Cekada, but like with Leslie's notes, an important comment is omitted:

> Whatever their immediate purpose the liturgical diptychs admitted only the names of persons in communion with the Church; the names of heretics and of excommunicated members were never inserted. **Exclusion from these lists was a grave ecclesiastical penalty**; the highest dignity, episcopal or imperial, would not avail to save the offender from its infliction.[...] In that venerable document [the Roman Canon] a long passage after the Sanctus corresponding to the ancient recitation of the diptychs of the living; it contains, as is well known, **mention of those for whom the Mass is offered, of the pope, of the bishop of the diocese,** of the Blessed Virgin, and of several saints. (bold added)[123]

This is not meant to suggest that Prevost ought to be commemorated in the *Te igitur*, only that the matter is not as simple as Fr. Cekada and others claim.

The argument Fr. Cekada makes in this article contradicts what he said in the first part, which we have saved till now. He said, "The mental state of the celebrant — whether he is in good conscience, means well, does not know better, etc. — is irrelevant." He repeats this further down in the article we are now critiquing, where he says, "The mental state of the celebrant does not change the objective meaning of the prayers of the liturgical rite, nor can it negate the principles that make it wrong for you, a sedevacantist who has figured things out, to actively assist at the rite."

Apparently it is now relevant when the logic of his opinion has been presented to him in such a concise manner by a fellow priest. This anonymous priest said:

> To say the people offer the sacrifice through the priest is an entirely different claim from saying the people participate in every detail of the Mass — including whether the priest says the right Collects, whether he uses the correct name in the *una cum* clause, whether he is in the state of grace, whether he prays for something sinful in the Memento, whether he makes a sloppy sign of the cross over the oblata, or any one of the thousand other things that can (and sometimes do) go wrong in a Mass. In my limited experience, I have never heard of a moralist who said anything even close to such a claim. In 2000 years of Church history, with all the problems that

[123] René Maere, "Diptych," in *The Catholic Encyclopedia*, vol. 5 (New York: Robert Appleton Company, 1909), New Advent.

> have occurred during the celebration of Mass, surely it would have come up at one point or another, don't you think?

Either we are to take his opinion as expressed in the first part, and avoid every liturgical service which is not perfect, lest its imperfections be imputed to us as sins, or we are to take his opinion as expressed here and only recuse ourselves if we are morally certain that the priest conducting the service does something seriously wrong through malice. Which ought we follow?

He goes even further, however, and claims that all priests who pray for the current occupant and commemorate him by name in the Canon do so *sciens et volens*, i.e. knowingly and willingly. What this means is that these priests do not do so because they have a false and unconsenting knowledge of the true nature of the matter, but because of their malice, in such a way that their violation of the rubrics is imputed to them as a mortal sin.

Our Lord said: "Judge not, that you may not be judged. For with what judgment you judge, you shall be judged: and with what measure you mete, it shall be measured to you again." How does Fr. Cekada know that all priests who commemorate the current occupant do so through malice? He doesn't, of course, but this is the rigor of the fallacy produced by his opinion.

To better understand the notion of moral imputability, we will turn to Rev. John McGrath's dissertation titled *Comparative Study of Crime and Its Imputability in Ecclesiastical Criminal Law, and in American Criminal Law*:

> An ecclesiastical crime is defined as an act or omission which is unjust, is imputable to its author, and which disturbs the social order of the Church. This definition is philosophical and not juridical. It considers crime in its essential aspects, but leaves aside the norms for determining which acts or omissions are to be considered as crimes.
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> The Code of Canon Law gives the juridical definition of a crime in canon 2195, § 1. A crime is defined as an external and morally imputable violation of a law to which has been added a canonical sanction which is at least indeterminate.
>
> This juridical definition will be studied by way of an analysis of the elements which go to make it up: the objective element, the subjective element, and the juridical element.

Concerning the objective element, he says:

> The objective element of an ecclesiastical crime is the external transgression of a law which either forbids or commands an act. The act or omission must be not only an act of the intellect consented to by the will, but it must also be an act, or failure to act, involving the corporal faculties of the criminal. It makes no difference whether the violation has actually been witnessed, but the act must lend itself to possible perception by the senses. It follows that even occult crimes which have been perceived by no one are true crimes.

Concerning the subjective element, he says:

> In order that a violation of law constitute an ecclesiastical crime, the violation must be imputable to the delinquent. Imputability is that property of an action in virtue of which it can be attributed to some person as its proper author.
>
> If the delinquent is free and enjoys the use of reason, the criminal act is to be acknowledged as morally imputable to its author. Moral imputability postulates that the act flow from a human agent who has both the use of reason and a will which is free in its choice. Such acts take on the added note of being good or evil depending upon the purpose for which they are done, the means used, and the circumstances surrounding them. It is postulated for all crimes that the violation of the law be morally imputable to its author, the delinquent.
>
> The knowledge postulated for the imputing of an act as criminal to its author includes the knowledge that what is being done is unlawful. The act must proceed from the agent's free will with advertence in the intellect to its malice. The delinquent must be guilty of a grave sin before God and his own conscience. Man is subject to the moral law because of his moral nature in that he has the use of his intellect and a free will; man is subject to penal law because of his social nature in that he is a member of society. If an agent is impeded from performing a moral act, he is likewise impeded from performing a criminal act.

Concerning the juridical element, he says:

> A penal law is one which commands or forbids an act under threat of penalty for the transgressor. To constitute a crime in ecclesiastical law, there is postulated the transgression of a law to the violation of which has been attached a penalty of at least an indeterminate character. The addition of the threatened penalty in the law provides the juridical element for the definition of a crime.

> There are many laws to which no penalty has been attached for their violation, e.g., canon 859, § 1, which commands the faithful to receive Communion during the Easter season. The violations of such laws are sinful if there is moral imputability, but they do not constitute crimes. For an act to constitute a crime the legislator must have made the judgment that the violation of his law will so seriously affect the social order that a penalty is to be imposed for its transgression. Failure to legislate the penalty results in failure to legislate a criminal law.

Further on he speaks about the imputability of crimes, which is especially pertinent to our discussion:

> Imputability is that property of an action in virtue of which it can be attributed to some person as its proper author. Not only the act itself, but all of its properties and effects are attributable to the author of the act. The practical judgment that an individual was the author of a particular act is called imputation.
>
> It is fundamental to imputability that there be a physical, causal connection between the agent and the action so that the agent becomes the true efficient cause. Such physical causality can be predicated even of animals and of persons bereft of reason. Thus the blasphemy of the insane is physically imputable to the speaker, and we can rightly speak of dogs as having chewed up rugs.
>
> The moral order, however, is concerned only with human acts, such as flow from the intellect and free will of man. Bare physical efficient causality is not enough; moral imputability concerns itself only with those actions over which man is the master, or, in the words of St. Thomas Aquinas, over which he has the *"dominium sui actus."*
>
> Moral imputability always has reference to the rightness or wrongness of the act. When the action is in conformity with the moral order, or with the norms of morality, it is a good or moral act; it is evil or immoral if it deviates from the norms of morality. It follows that there must be some advertence of the intellect and a consent of the will to the goodness or evilness of the action in the performing of the act. If the agent performs an objectively evil act with no advertence to its malice, and with no intention to do evil, the evil cannot be imputed to him.

He then discusses the notion of juridical-criminal imputability, where he says:

> What are the fonts of juridical-criminal imputability? In consequence of the principles of morality one can find two fundamentals upon which to base the imputability of criminal

> actions: malice and criminal negligence. These fundamentals are delineated in canon 2199, which states that the imputability of crime arises from the malice of the delinquent, or from his negligence either in being ignorant of the law he violates or in omitting the diligence he owes.

First, he comments on the notion of malice:

> *Dolus*, or malice, is the deliberate will to violate the law. In the word *deliberate* is expressed the need for the operation of the intellect; in the word *will* is found the necessity for the command of the will.
>
> The criminal must know before he acts that his prospective act is contrary to the law or to a legal obligation, and he must have sufficient deliberation on this matter to have actual advertence to the illegal character of the external act he is about to perform. It is not necessary for the agent to know that a penalty has been added to the law's violation, but ignorance of the penalty will diminish culpability.
>
> The will of the delinquent must be free in this concrete case. Actions which are so spontaneous or reflex that the will has had no part in them cannot be adjudged malicious acts. Further, there must be the positive will to perform this determined act which the intellect already knows to be contrary to the law. In this latter consideration there should be no confusion between the motive and the intention. The reason why a person acts may appear to him as a good thing, although in fact it be contrary to law. He may even wish that the act were not forbidden by the law. It is sufficient for *dolus*, or malice, that the act is known to be in violation of the law, and is done willingly, no matter what the motive of the agent may be.
>
> [...]
>
> The performing of an external violation of the law raises the presumption in the external forum of the presence of malice, unless the contrary is proved. The rules governing such presumptions of law are found in canons 1825-1828.

Next, he comments on the notion of criminal negligence:

> Criminal negligence is properly imputable to the delinquent since he has an obligation to avoid violating the law. The criminal act is not directly willed, but it is willed indirectly through the

wilful failure to avoid injuring the common good. Criminal negligence is the morally imputable neglect to avoid committing a criminal act, and is to be found either in a culpable ignorance of the law violated, or in the omission of due diligence.

Canon 2199 explicitly indicates two forms of criminal negligence: culpable ignorance of the law violated, and the culpable omission of due diligence. A crime committed through ignorance of the law is imputed to the delinquent when he has culpably failed to consider the illegality of his act. A crime committed through the omission of due diligence is imputed to the delinquent because he did not trouble to foresee the evil effects flowing from his action, or foreseeing them, did not trouble to avert them.

Ignorance of the law is the lack of knowledge concerning the existence, nature, or comprehension of the law. Such ignorance may be negative, insofar as the delinquent had no knowledge of the law; positive, insofar as he made an erroneous judgment concerning the law's existence or comprehension; or simple inadvertence. The precise effect of ignorance upon imputability will be discussed in the following chapter. The ignorance may be such as will take away, or such as will only diminish, the degree of culpability.

The criminal act *is* directly intended when the crime is committed in ignorance of the law, but the violation of the law is not directly intended. In crimes resulting from omission of due diligence, the act done *is not* directly criminal nor is it willed directly.

Several possible situations may result from the performance of an action which has several effects, some of which are criminal. If the criminal effects cannot be foreseen, or, if foreseen, cannot in any way be avoided, the agent is certainly not guilty of any crime. The criminal effects cannot in any manner be attributed to the agent, and hence no criminal imputability is possible.

The criminal effects may be foreseen, but at the same time may be avoidable only at the price of not doing the action at all. If the agent has a right to do the act, then he is free to do so in spite of some criminal effects which will follow. The criminal effects will not be imputed to him, since they are not in any way intended by him, nor can he impede them except by giving up his legitimate right to act.

Further on, he says:

The violation of laws that are not known by the defendant is not a crime if the ignorance was in no way culpable. This principle, simply stated, means that ignorance of the law is an excuse if the ignorance is not the fault of the agent. The principle flows naturally from the definition of a crime as a morally imputable violation of the law.

Ignorance is the privation of knowledge in a subject naturally capable of it. There is a lack or an absence of that which should be present, to wit, knowledge. It is only by analogy that one speaks of ignorance in animals or of ignorance in material things. A privation can be predicated only of an object which should possess that which is not present. In considering the effect of ignorance upon imputability, the canonist prescinds completely from all except those who enjoy the use of reason, and hence could have known of the law or the fact in question.

[...]

The criminal law of the Church requires moral imputability before there can be legal imputability. If the lack of knowledge is in no way the fault of the agent, it can not be imputed to him morally, and hence there is no legal fault. Such ignorance is known as invincible ignorance. When invincible ignorance is present there can be no sin, and without moral imputability there can be no ecclesiastical crime.

[...]

If the existence, extent or meaning of the law is not known there is ignorance of law. If the concrete or physical conditions necessary for the application of the law are not known there is ignorance of fact.

[...]

The ignorance noted in canon 2202, § 1, can be ignorance either of the law or of the fact. When one acts in ignorance of the law, one intends indeed to do the act which one performs, but one is excused from culpability because of this ignorance. If the ignorance was of the fact, then the agent did not know the nature of what he was doing, or its consequences, and cannot be held responsible for them under the criminal law.

[...]

> Ignorance must also be distinguished from error. Ignorance denotes the privation of knowledge, while error implies a false judgment. In error the mind judges, but its conclusion is contrary to the fact or to the law.
>
> Both inadvertence and error are to be judged by the same juridical principles that apply to ignorance. Thus, if the inadvertence or the error is inculpable, and in no way the fault of the agent, the act will not be imputed to him. There is no imputability for the violation of laws that are unknown, or not adverted to, or about which error exists, if the ignorance, inadvertence, or error cannot be imputed to the agent.
>
> The burden of proving the existence of the ignorance, whether of the fact, or of the law, or simply of penalty, is incumbent upon him who asserts it. The canon law does not presume ignorance or error. It is of the nature of law that it be known, otherwise the efficacy of the law would be destroyed. It is for this reason that the law does not presume ignorance, but requires that it be proved by him who asserts it.[124]

The alleged crime being committed by the celebrant is either forbidden *communicatio in sacris* with non-Catholics or a violation of a preceptive rubric of the Missal which binds under pain of mortal sin. We have already shown that, under the supposition that Prevost is an unsentenced heretic and an undeclared excommunicate, there is no universal obligation arising from the law to avoid him *in sacris*, nor are all bound to observe the effects of his excommunication. The most that could be said is that the celebrant is suspect of heresy in virtue of Canon 2316. The rubrics of the Missal specify that the words "*una cum famulo tuo Papa nostro N.*" are to be omitted when the See is vacant, but without an official declaration of this fact, there doesn't seem to be any universal obligation arising from the law to omit these words. Neither of these laws has an indeterminate penalty attached to their violation, and there is evidence that the celebrant lacks a deliberate will to violate the law: on the contrary, he thinks that omitting Prevost's name *would* violate the law. With all of this being taken into account, it is far from certain that those who commemorate Prevost commit any crime at all.

Fr. Cekada's next argument is a response to the anonymous author of the blog *Introibo ad altare Dei*. The articles being referred to are here and here.

While it is true that Pope St. Pius V forbade Kings to be commemorated in the Canon without special permission, there were other public prayers permitted for non-Catholic rulers.

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[124] John J. McGrath, *Comparative Study of Crime and Its Imputability in Ecclesiastical Criminal Law, and in American Criminal Law*, Canon Law Studies, no. 385 (Washington, D.C.: Catholic University of America Press, 1957), 11–56.

Szal refers to a decree of the Holy Office on February 23rd, 1820 for the Archdiocese of Quebec. The king was prayed for during the course of Benediction, and at a solemn Mass there was sung the "*Domine, salvum fac Regem.*" The continuance of both practices was tolerated, despite the monarch being a heretic.

It is worth noting that the monarch in question was King George IV, who had the constitutional title of Supreme Governor of the Church of England. He in particular was noted for publicly opposing Catholic emancipation in the United Kingdom, having sworn to uphold the Protestant faith at his coronation.

The relevant text of the decree is as follows:

> 1. At solemn Mass in the churches of the diocese of Quebec, *Domine salvum fac regem* is sung for the King of England, and both in the narthex of the parish churches (in French, *le prône*) and at the Benedictions of the Most Holy Sacrament, prayer is offered by name for the King, in addition to the Pope and the Bishop. The question is asked whether such a custom is to be censured as forbidden communication with heretics.
> [...]
> R. To 1. In the case and circumstances under discussion, there is room for dissimulation and toleration.[125]

A similar decree of the Holy Office on August 2nd, 1830 permitted the President of the Greek States to be prayed for after the "*Domine, salvum fac regem*" in the form of "*Domine, salvum fac Praesidem.*" This was prescribed by the Bishop and requested by the same President.

The decree reads:

> The Bishop of Santorini, in order not to incur the indignation of the current (schismatic) President of Greece, in certain functions in which prayer is offered for the Most Christian King

[125] Sacra Congregatio Sancti Officii, Decree of February 23, 1820, in *Codicis Iuris Canonici Fontes*, ed. Pietro Cardinal Gasparri, vol. 4, nn. 714–2055 (Rome: Typis Polyglottis Vaticanis, 1923–1939), 141. Latin:

> Ad Missam solemnem ecclesiarum dioecesis Quebecensis cantatur pro rege Angliae *Domine salvum fac regem*, et tum in ecclesiarum parochialium pronao (gallice *le prône*) tum in benedictionibus SSmi Sacramenti, ubi pro Papa et pro Episcopo, pro rege nominaliter oratur. Quaeritur an talis consuetudo arguenda sit communicationis vetitae cum haereticis. [...] R. Ad 1. In casu et circumstantiis de quibus agitur, esse locum dissimulationi et tolerantiae.

> of France, protector of the Catholics in the East, has caused to be said after the versicle *Lord, save the king, etc.* also the versicle *Lord, save the president, etc.* without any other prayer. What instruction or response ought to be given to him?
>
> R. That it is to be assented to.[126]

Presumably this is referring to Count John Capodistrias, Governor of the Hellenic State, who was a Greek schismatic.[127]

The next text is an instruction dated May 12th, 1841 from the Holy Office to the Bishop of the Diocese of Santorini, established after the Fourth Crusade when Venetian Catholics seized control of the island. Santorini is part of the Cyclades, an island group located in the Aegean Sea, southeast of mainland Greece.

At the time this instruction was given, the Kingdom of Greece had jurisdiction over the Cyclades, and was governed by Otto von Wittelsbach, Prince of Bavaria, who was himself a nominal Catholic, although many of the ministers he appointed were Greek schismatics. The Queen was Amalia of Oldenburg, a Lutheran. At this time the Kingdom had neither a legislature nor a constitution, however the government took control of the affairs of the Greek Church and declared it to be autocephalous and independent of the Patriarch of Constantinople, making King Otto the head of the Greek Church.

The relevant text of the instruction is as follows:

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[126] Sacra Congregatio de Propaganda Fide, Decree of August 2, 1830, in *Collectanea S. Congregationis de Propaganda Fide seu Decreta Instructiones Rescripta pro Apostolicis Missionibus*, vol. 1 (Rome: Typis Polyglottis Vaticanis, 1893), 750. Italian:

> Il vescovo di Santorino per non incorrere l'indegnazione dell'attuale Presidente (scismatico) della Grecia in certe funzioni nelle quali si prega pel Re Cristianissimo di Francia protettore de' cattolici in oriente, ha fatto dire dopo il versetto *Domine salvum fac regem etc.* anche il versetto *Domine salvum fac praesidem etc.* senz'altra orazione. Quale istruzione o risposta dee darglisi? R. Esse annuendum.

[127] Cf. John Prah, O.C.D., *Communication of Non-Catholics in Catholic Religious Rites* (Washington, D.C.: Catholic University of America Press, 1943), 27:

> Decisions of the Sacred Congregations with regard to religious participation employ such wording as *tolerari posse*, or *tolerari et permitti posse*, or *annuendum est. Tolerari posse* is the weakest permission. *Tolerari et permitti posse* implies that the action is still undesirable, but may be permitted. *Annuendum est* is the nearest to positive approval. None of these phrases gives unqualified approval. Nor do they mean that the situation in all instances is praiseworthy or commendable. The conditions are undesirable; the Church would rather see them otherwise.

> 3. Catholic Bishops invited by the local governor to solemnise court festivities in their own churches should confine themselves solely to the singing of *the Ambrosian hymn and the Benediction of the Blessed Sacrament,* after which the customary threefold acclamation 'Long live the King' is to take place. It may here be recalled the advice given already in another instruction on the occasion of public prayers ordered by a non-Catholic Prince, namely that they should direct them not merely for the temporal welfare of the sovereign and the government, but rather for true happiness, which is the precious gift of faith and of being in the bosom of the true Church.[128]

Merkelbach, commenting on the communication between infidels and heretics with Catholics, says:

> Infidels and heretics can *passively* assist not only at the preaching of the word of God but also at other offices of public worship, but *not* however *actively* participate in them, because this would rightly be regarded as a sign of religious unity (*quia id recte existimaretur ut signum religiosae unitatis*). Whence they are excluded from the sacraments (can. 731, § 2), from the sacramentals which are *publicly* administered to individuals in church [1], from ecclesiastical burial (can. 1240), from enrolment in pious associations (can. 693), and the like; consequently it is also generally forbidden that they use the same church simultaneously with Catholics, or vice versa. But if they are apostates or heretics, and therefore excommunicated, can. 2259 also applies.

The footnote here reads:

> [1] Private prayers, however, can be offered for each and every one, even the Mass (*etiam Missa*), but only *privately* and with scandal removed (can. 809 and 2262, § 2); likewise blessings, not indeed consecratory ones, but merely invocatory ones, for obtaining the light of faith or together with it bodily health (can. 1149); public prayers, however, cannot be offered for them individually by expressed singular name (*non tamen preces publice pro iis siglatim sed nomine*

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[128] Sacra Congregatio Sancti Officii, Instruction of May 12, 1841, in *Collectanea S. Congregationis de Propaganda Fide seu Decreta Instructiones Rescripta pro Apostolicis Missionibus*, vol. 1 (Rome: Typis Polyglottis Vaticanis, 1893), 750–751. Italian:

> 3. I Vescovi cattolici invitati dal governatore locale per le feste di corte a solennizzarle nelle loro chiese, si limitino al solo canto dell'*inno ambrosiano, e alla benedizione del Sacramento,* dopo la quale siavi la solita trina acclamazione « Viva il Re ». Può qui aversi in memoria l'avviso dato già in altra istruzione in occasione di pubbliche preghiere ordinate da un Principe acattolico, che cioè l'indirizzassero non pel solo bene temporale del sovrano e del governo, ma bensì per la vera felicità, che è il prezioso dono della fede, e l'essere nel seno della vera Chiesa.

> *singulari expresso fieri possunt*), unless for a public person as such (*ut tali*), e.g. for the king, that is, for the prosperity of society: thus it was tolerated (*toleratum*) that prayer be offered *by name* (nominatim) for the King of England after Mass (*post missam*), in the formula "Lord, save the king" (23 Feb. 1820). Catholics can also pray together with heretics *privately*, provided the prayers be good and there be no scandal, e.g. if a heretic is dying.[129]

Revs. Francis Wernz, S.J. and Peter Vidal, S.J.'s commentary *Ius canonicum*, in the section on the effects of excommunication, says:

> 278. I. Deprivation of indulgences, suffrages, and public prayers of the Church (can. 2262). This deprivation holds the principal place (*principem locum*), by virtue of which they are excluded from the *common suffrages* of the Church, which are wont to come to the faithful from the sacrifice of the Mass offered in the name of the whole Church (*ex sacrificio missae totius Ecclesiae nomine oblato*), from the public offices and prayers of ministers (*ex publicis ministrorum officiis et orationibus*), from the public and common treasury of satisfactions of the Church applied through indulgences by the authority of Prelates. Which *public suffrages* dispensed in the name of the Church *by its ministers* (*nomine Ecclesiae* ab eius ministris *dispensata*) are distinguished from *private* ones which are made in the proper name of the faithful and are applied by them to other faithful by way of donation, in virtue of the communion which is had directly with God independently of the Church (*in vim communionis quae habetur directe cum Deo independenter ab Ecclesia*). This therefore does not deprive the excommunicated, even those to be shunned (*etiam vitandos*), of the *private* suffrages and prayers of the faithful. Consequently, in view of the deprivation of common suffrages, it is altogether forbidden (*omnino prohibitum*) to pray publicly for excommunicated persons, whether living or dead and not yet absolved, or to apply to them the common suffrages of the Church, except in cases excepted by the Church itself (*nisi in casibus ab ipsa Ecclesia exceptis*), e.g. on Good Friday.

A footnote reads:

> *Kober*, loc. cit. p. 272 sq., on public prayers for a *living* civil and non-Catholic prince (*de precibus publicis pro* vivo *principe civili et acatholico*).[130]

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[129] Benedictus Henricus Merkelbach, O.P., *Summa theologiae moralis ad mentem D. Thomae et ad normam iuris novi*, vol. 1, *De principiis*, 8th ed. (Bruges: Desclée de Brouwer, 1949), 583.

[130] Franz Xaver Wernz, S.J., and Pedro Vidal, S.J., *Ius canonicum*, vol. 7, *Ius poenale ecclesiasticum* (Rome: Typis Pontificiae Universitatis Gregorianae, 1938), 286–287.

This is referring to a book titled *Der Kirchenbann nach den Grundsätzen des canonischen Rechts*, authored by the canonist Rev. Franz von Kober, a noted opponent of Josephinism.

The relevant portion reads:

> In accordance with what has been said, we must (*müssen*) hold to the view that both the *excommunicati vitandi* and also the *tolerati* are excluded from the public prayers and from the offering of the holy Sacrifice of the Mass (*von den öffentlichen Gebeten und der Darbringung des hl. Meßopfers ausgeschlossen seien*). As a simple consequence of this proposition it follows that the customary church prayer for the patron and the mention of the bishop in the Canon of the holy Mass are to be omitted as soon as the one or the other is notoriously in a state of excommunication (*sobald der eine oder andere notorisch in der Excommunication sich befindet*), be it as *toleratus* or *vitandus*. In the same manner and for the same reasons, public prayer and the offering of the holy Sacrifice of the Mass is forbidden (*untersagt*) for **non-Catholics**, for they belong to the *excommunicati tolerati*. Only in respect of the **sovereign of the land** (***Landesfürsten***), both the Catholic one when he is excommunicated and the non-Catholic one, does the Church permit an exception (*Ausnahme*): she prays for him at the public divine service and offers the holy Sacrifice of the Mass for him on certain festive days (*sie betet für denselben beim öffentlichen Gottesdienste und bringt für ihn an gewissen festlichen Tagen das hl. Meßopfer dar*), for as long as the sovereign of the land is alive, he does not stand before the Church as a mere **person** (*bloße **Person***), but rather what comes into consideration above all (*vor Allem*) is his position as **regent of the land** (*Regent des Landes*); the welfare of the one and the other cannot be separated; the prayer for the sovereign is at the same time a prayer for the state and conversely. When, therefore, the Church faithfully fulfils her patriotic duties towards the state, which are incumbent upon her just as much as upon the individual subject, when she implores the grace and protection of God for the regent and his government, it is not a matter of the **person** who is the bearer of the sovereign dignity, and it must **in this respect** be immaterial what personal position he takes towards the Church (*und es muß **in diesem Punkte** gleichgültig sein, welche persönliche Stellung dieselbe zur Kirche einnehme*). This her duty of allegiance she has from time immemorial fulfilled even towards entirely pagan and openly heretical princes (*ganz heidnische und offen häretische Fürsten*) [1]; she fulfils it even today towards the non-Catholic regents in the lands where such are found, and the Holy See has never raised even the slightest objection against this practice (*und der heilige Stuhl hat gegen diese Praxis niemals auch nur die leiseste Einsprache erhoben*). In a wholly different relationship, on the other hand, stands the already **deceased** sovereign of the land to the Church: he no

> longer appears as the bearer of the state authority (*der Träger der Staatsgewalt*), for whose prosperity she prays, but merely as a **private person** (***Privatperson***). Since now, however, the Church can offer her prayers and the holy Sacrifice only for those dead who have departed in her communion, the non-Catholic regent has just as little claim to these benefits as the Catholic one who, persisting in the excommunication imposed upon him and without having reconciled himself with the Church, departed from life. This view lies in the nature of the case (*der Natur der Sache*); the ecclesiastical legislation cannot depart from it so long as it wishes to lay claim to consistency; the practice was never otherwise, and even from the most recent times there exist on this point express prohibitions of the Holy See [2]).
>
> 1. **Binterim**, *Denkwürdigkeiten* [Memorabilia], vol. IV, 2nd part, Appendix, pp. 1–214.
> 2. Cf. the Breve of **Gregory XVI** to the Bishop of **Augsburg**, 13 February 1842, and to the Abbot of **Scheyern**, 9 July of the same year, in **Probst**, *Exequien* [Exequies], p. 148 f. and in the *Berliner allgemeine Kirchenzeitung* [Berlin General Church Gazette], 1852, No. 60.[131]

As we saw already in the first part of this analysis, De la Taille, in explaining his thesis regarding non-Catholics and the fruit of the Mass by way of suffrage, distinguishes between what one could do only taking into consideration the nature of things, or the divine law, and then what one could do also taking into consideration the restrictions imposed by Church law.

He says:

> If we consider the divine law alone, Mass can be offered by way of suffrage for all living men, including heretics and schismatics, and the unbaptized, both catechumens and infidels.

To prove his point, he references the ancient usage of the Church and the teachings of the Fathers. Pertinent to our discussion are the instances in which pagan kings were prayed for in the ancient liturgy, even those "who hate us and persecute us for thy name," even in the anaphora itself, "where certainly the actual sacrificial intention is indicated." The Arian emperor Constantius Augustus was prayed for "within the sacred mysteries." St. John Chrysostom says that "the common prayers" were said "for those not initiated." St. Augustine indicates that infidels were prayed for "at the altar," which according to de la Taille's analysis indicates "that the appointed place for that intercession was actually within the Canon." Vitalis of Carthage more clearly indicates that during the Canon of the Mass prayers were said for "those at whose hands the Church suffered persecution."

[131] Franz Quirin Kober, *Der Kirchenbann nach den Grundsätzen des canonischen Rechts* (Tübingen: Verlag der H. Laupp'schen Buchhandlung, 1857), 272–273.

The theological reasoning to support this is that, as Christ's bloody Sacrifice upon the Cross was offered for the sins of all mankind, so too is the Church's unbloody Sacrifice upon the altar offered for all those who are members of Christ, whether they be members potentially through the possibility of being incorporated in Christ, or actually through faith and baptism.

Afterwards, he explains why it is that, in the present Canon of the Roman Church, we do not pray for those who are outside the Church.

He references St. Thomas, who says:

> Unbelievers are prayed for, but they do not receive the fruit of that prayer (*fructum orationis*) unless they are converted to the faith. Likewise, those excommunicated can be prayed for, although they are not among the prayers that are made for the members of the Church (*non inter orationes quae pro membris Ecclesiae fiunt*); and nevertheless they do not partake (*non participant*) of the fruit as long as they remain under excommunication. But we pray that they may be given the spirit of repentance, so that they may be released from excommunication.[132]

Again St. Thomas says:

> Anyone's intercessory prayers benefit another according as they reach him. But there are two ways that one person's action can reach another. [...] The other way, by the intention of the one making the intercessory prayers (*per intentionem suffragia facientis*), which is directed toward the person for whom they are done; and excommunication does interrupt this contact, for by the sentence of excommunication the Church separates the excommunicated from the community of the faithful, for whom she makes intercession (*quia Ecclesia per excommunicationis sententiam separat excommunicatos ab universitate fidelium, pro quibus suffragia facit*). And this is why the Church's intercessory prayers that are made for the whole Church do not benefit him; nor can prayer be made for them in the person of the Church among the members of the Church (*nec ex persona Ecclesiae oratio pro eis inter membra Ecclesiae fieri potest*), although any private person can direct the intention of some prayer to his conversion.

He says elsewhere:

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[132] Thomas Aquinas, *Commentum in Librum IV Sententiarum*, dist. 18, q. 2, a. 1, quaestiuncula 4, Aquinas Institute.

> As Christ's Passion benefits all, for the forgiveness of sin and the attaining of grace and glory, whereas it produces no effect except in those who are united with Christ's Passion through faith and charity (*qui passioni Christi coniunguntur per fidem et caritatem*), so likewise this sacrifice, which is the memorial of our Lord's Passion, has no effect except in those who are united with this sacrament through faith and charity (*coniunguntur huic sacramento per fidem et caritatem*). Hence Augustine says to Renatus (*De Anima et ejus origine* i): "Who may offer Christ's body except for them who are Christ's members?" Hence in the Canon of the Mass no prayer is made for them who are outside the pale of the Church (*in canone Missae non oratur pro his qui sunt extra Ecclesiam*). But it benefits them who are members, more or less, according to the measure of their devotion.[133]

De la Taille's argument is that in the present usage of the Roman Canon, we offer for those who are considered to be co-offerers of the Sacrifice with us and therefore to receive infallibly in themselves the effect of the Sacrifice, presumed to be united by faith and charity to Christ's Passion. Those outside the Church are not presumed to be so united with us, ergo.

After discussing all this, he comes to what restrictions are imposed by the law of the Church.

Excommunicated persons are forbidden by the law of the Church to participate in the common suffrages of the Church, "as distinctly expressed in the public formulae of the Eucharistic Liturgy." The history of the diptychs shows this absolute prohibition, which we have already discussed above.

Specifically with regard to kings, emperors, princes, etc., de la Taille says that if they were to incur excommunication their names were to be deleted from the diptychs. The proper branding and punishment of excommunicates was the deprivation "of this public mention of them by name and of their commendation in the prayers of the sacrificing Church."

He affirms that to name anyone outside the Church, including infidels, whatever his position may be, whether in the *Te igitur* or the *commemoratio pro vivis*, would be against the law of the Church and therefore a sin, although the celebrant may tacitly form or renew the intention at that place to offer the Mass for such a one.

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[133] Thomas Aquinas, *Summa Theologiae*, III, q. 79, a. 7, ad 1, Aquinas Institute.

He goes further and says that today it would also be sinful to mention such a person by name in *any* liturgical prayer.[134]

Interestingly, Rev. Thomas Livius, C.Ss.R. in an article published in the *Irish Ecclesiastical Record*, said the following:

> What the *S. Cong. de Prop. Fide,* Benedict XIV., and theologians in general had specially in view was reception of Sacraments from heretics, and taking part in such other religious acts as are always fraught with danger to the faithful themselves of participation in heretical worship, and of perversion. But if there are any cases of communication of quite another kind, and from which no such danger could possibly arise, we may conclude that they do not come under the practical prohibition of the Church and of theology; and that consequently the faithful may use the liberty conceded to them since Constance with regard to heretics. Now such an act of communication *in divinis* is prayer, or the offering of Mass for a heretic. To pray, or to offer sacrifice in anyone's behalf (as De Lugo says in effect,[1]) is in true ecclesiastical meaning, or technically speaking, to communicate with him *in divinis*: but such an act is communication only in a wide sort of sense, and, strictly speaking, is not so at all; and, as evidently from such acts no danger arises of participating in anything heretical, one can hardly think that it belongs to that kind of communication which, according to the teaching of the Church, is practically illicit.

The footnote here reads:

> Disp. xix., sect. x., 190, 1. "Although, strictly speaking, to pray for someone, or to offer for him (*orare pro aliquo, vel offerre pro illo*), is not to speak with him, it is nevertheless to communicate with him, at least in a broader signification, but one that is truly ecclesiastical." . . . "That public prayer (*orationem publicam*) is a certain kind of communication." . . . . "Although neither (namely, neither burial nor the offering of suffrages [*oblatio suffragiorum*]) is strictly communication."[135]

Fr. Cekada's next claim is that Benediction of the Blessed Sacrament is not a true liturgical service, which is not entirely true. To prove this, we will turn to the *Catholic Encyclopedia*.

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[134] Maurice de la Taille, S.J., *The Mystery of Faith*, book 2, *The Sacrifice of the Church*, trans. Joseph Carroll and P. J. Dalton (London: Sheed & Ward, 1950), 298–318.

[135] Thomas Livius, C.SS.R., "Can a Priest Say Mass Privately for a Deceased Protestant?" *Irish Ecclesiastical Record*, ser. 3, vol. 6 (1885): 155.

Rev. Herbert Thurston, S.J. in the entry titled "Benediction of the Blessed Sacrament" says:

> There is a good deal of diversity of usage in different countries with regard to details, but some of the elements are constant. The use of incense and wax candles, which even in the poorest churches must not be less than ten in number, the singing of the "Tantum ergo" with its versicle and prayer, and the blessing given with the Blessed Sacrament are obligatory everywhere. In Rome the principle obtains that the only portion of the service which is to be regarded as strictly liturgical is the singing of the "Tantum ergo" and the giving of the Benediction which immediately follows. This idea is emphasized by the fact that in many Roman churches the celebrant, vested in cope and preceded by thurifier, acolytes, etc., only makes his entry into the sanctuary just before the 'Tantum ergo' is begun. Previously to this the Blessed Sacrament is exposed, informally so to speak, by a priest in cotta and stole; and then choir and congregation are left to sing litanies and canticles, or to say prayers and devotions as the occasion may demand, the whole service being of a very popular character.
>
> [...]
>
> In English-speaking countries the service generally begins with the entry of the priest and his assistants in procession and with the singing of the "O Salutaris Hostia" as soon as the Blessed Sacrament is taken out of the tabernacle. Indeed in England the singing of the "O Salutaris" is enjoined in the "Ritus servandus", the code of procedure approved by a former synod of the Province of Westminster. On the other hand, the Litany of Our Lady, though usually printed after the "O Salutaris" and very generally sung at Benediction, is nowhere of obligation.[136]

Rev. Adrian Fortescue in the entry titled "Liturgical Books" says:

> Under this name we understand all the books, published by the authority of any church, that contain the text and directions for her official (liturgical) services. It is now the book that forms the standard by which one has to judge whether a certain service or prayer or ceremony is official and liturgical or not. Those things are liturgical, and those only, that are contained in one of the liturgical books. It is also obvious that any church or religion or sect is responsible

[136] Herbert Thurston, S.J., "Benediction of the Blessed Sacrament," in *The Catholic Encyclopedia*, vol. 2 (New York: Robert Appleton Company, 1907).

> for the things contained in its liturgical books in quite another sense than for the contents of some private book of devotion, which she at most only allows and tolerates.[137]

He also says in the entry titled "Liturgy":

> On the one hand, liturgy often means the whole complex of official services, all the rites, ceremonies, prayers, and sacraments of the Church, as opposed to private devotions. In this sense we speak of the arrangement of all these services in certain set forms (including the canonical hours, administration of sacraments, etc.), used officially by any local church, as the liturgy of such a church — the Liturgy of Antioch, the Roman Liturgy, and so on. So liturgy means rite; we speak indifferently of the Byzantine Rite or the Byzantine Liturgy. In the same sense we distinguish the official services from others by calling them liturgical; those services are liturgical which are contained in any of the official books of a rite. In the Roman Church, for instance, Compline is a liturgical service, the Rosary is not.[138]

While none of this proves that there is a true analogy between public prayers offered for a non-Catholic ruler and praying for Prevost and commemorating him by name in the *Te igitur* as "Thy servant, our Pope Leo,"[139] it is still worthy of note that the former was permitted at times, despite the strict letter of the law depriving excommunicates of a participation in the public prayers of the Church, meaning the practice could not be intrinsically evil.

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[137] Adrian Fortescue, "Liturgical Books," in *The Catholic Encyclopedia*, vol. 9 (New York: Robert Appleton Company, 1910).

[138] Adrian Fortescue, "Liturgy," in *The Catholic Encyclopedia*, vol. 9 (New York: Robert Appleton Company, 1910).

[139] The principal difference is best understood by drawing an analogy from the doctrine of merit, viz. the distinction between *de condigno* and *de congruo*, which pertain to justice and mercy, respectively. The fruits of the Mass that are received by the Pope, the local Bishop and the (Catholic) King are due to them in justice insofar as they participate in the Communion of Saints and are said to co-offer the Sacrifice with the celebrant. The graces petitioned for non-Catholic rulers are rather asked out of mercy, which extends even to those separated from the Church. Cf. Michel-Louis Guérard des Lauriers, O.P., "Mgr Guérard des Lauriers — La Messe una cum," YouTube video, uploaded by sedevacantiste, November 11, 2011, sermon delivered June 1980:

> But the two mentions, that of the *Te igitur* and that of the Memento which follow one another, which are linked, so to speak, do not at all have the same... the mention therein pertains to condign merit; that is to say that every Mass bears a fruit for the priest who celebrates it, for the assistants who participate by right, whatever one does, whatever the intention of the Mass which is specified at the Memento; the priest who celebrates it, the faithful who participate, have a certain price of the Mass; and likewise the Pope who is head of the Church, the bishop who is head of the diocese, have a right to a fruit of every Mass. It is a question of right; it is not a question of gratuity on the part of the good God. The good God commits Himself, so to speak, by the very fact that whoever offers the sacrifice merits; it is a metaphysical law: if we do a good work, we have a fruit of that good work which we accomplish, *ipso facto*, more or less according to dispositions, but there is a fruit which is necessarily attached to every position, to a good act.

Fr. Cekada's next claim is that it would be wrong to make a visit to the Blessed Sacrament while an "*una cum* Mass" was being said. He says, "It would be wrong because during Mass such an act connotes active participation."

This statement is contradicted by what Szal says with regard to visiting schismatic churches:

> While in the presence of the Blessed Sacrament, one should say some of the prayers that one is accustomed to recite upon entering a Catholic church. When the services begin, one should not take an active part in the ceremonies. Certainly one would not be allowed to join in any of the prayers with the priest or the congregation, even though there were nothing contrary to faith or morals in these prayers. It seems advisable to remain seated during the Mass. By this action one would not reflect any irreverent conduct, and at the same time one would be giving some indication to those in attendance that one has no intention of participating in the sacrifice. However, at the time of the Consecration of the Mass, one should kneel down and remain kneeling until the Communion. One should take care that, with respect to the remaining actions there is no common link between them and the acts of the officiating minister. If the service is one that heretics have in common with Catholics, then the active participation, even if no scandal should derive from such a participation, is forbidden at least by Church Law.[140]

Fr. Cekada's next claim is that it would be wrong to receive Holy Communion outside of Mass or in the form of Viaticum if the host had been consecrated during the course of an "*una cum* Mass." He says, "Yes — it has been consecrated in a rite that — because it professes communion with a public heretic and proclaims him a preacher of the Catholic faith — is objectively sinful."

This statement, which regards a Catholic receiving Holy Viaticum from a Catholic priest, is excessively severe.

Bancroft, who otherwise is quite strict, says:

> Apart from the reception of the Holy Eucharist as Viaticum, it can be stated definitely that the precept to receive It presupposes the presence of an authorized minister. Génicot-Salsmans say that the Paschal precept does not induce a necessity to approach a schismatic minister. For this

[140] Ignatius J. Szal, *The Communication of Catholics with Schismatics: A Historical Synopsis and a Commentary* (Washington, DC: Catholic University of America Press, 1948), 84–85.

precept does not urge in circumstances in which it can be fulfilled only against the prohibitions of the Church. This is true even in a case in which no scandal is to be feared, for example, when Easter Communion could be received occultly from a schismatic priest, for the positive prohibition against religious communication is universal. Catholics never have a right to receive Holy Communion, apart from Viaticum, in a church of schismatics from a schismatic priest. This prohibition is universal, too, and the obligation of the Paschal season, or the absence of a Catholic priest, does not justify its violation. But receiving Holy Communion, apart from Viaticum in certain circumstances, from a schismatic priest, involves more than a prohibition of positive ecclesiastical law, for it includes a recognition of a non-Catholic priest, and an implicit acknowledgment of his sect. It contains a formal religious communication.

b. ***In the Danger of Death***

It seems that Viaticum may be received from priests of a non-Catholic sect in some cases. The Holy See has not expressed itself on this point, but it seems to exclude the reception of Viaticum under ordinary circumstances from such ministers in that it allows the reception of sacraments, which are necessary for salvation, in danger of death, when no Catholic priest is present. Merkelbach implicitly excludes Viaticum, for he allows the reception of Baptism, and Penance or Extreme Unction, in extreme necessity. Tanquerey also implicitly excludes Viaticum. Some may argue for the lawfulness of its reception from such ministers from an analogy with canon 2261, § 3. It has been seen that priests of a non-Catholic sect are to be considered as *vitandi* in regard to the administration and reception of the sacraments, with the exception that there is a grave circumstance added by reason of the fact that they represent a non-Catholic sect. According to canon 2261, § 3, a *vitandus* may be asked for the sacraments only in danger of death; he may be asked for absolution, and if another priest is not present for the other sacraments and sacramentals. But this argument is weakened by the fact that the Holy See has required that there be a case of extreme necessity, and that no Catholic priest be present, before either Penance or Extreme Unction may be received from a non-Catholic priest, thus seeming to exclude authorization of such a minister to act in her name for the administration of Viaticum. A stronger argument favoring the reception of Viaticum from a non-Catholic priest seems to be that, since there is most probably an obligation to receive Viaticum by divine positive law, the Church cannot forbid its reception. If, then, in a particular case there would be no violation whatsoever of the divine law, natural or positive, in receiving Viaticum from a non-Catholic priest, it seems that it may be received from one. Noldin-Schmitt say that a non-Catholic priest may be asked to administer Viaticum. McHugh-Callan testify that theologians allow the reception of Viaticum from a minister of

> this kind, but refer to no particular authors. But the request for Viaticum could never be made licitly from a non-Catholic priest, when a Catholic priest is available.
>
> Because of the dangers to faith and charity, however, which can be present so easily when there is question of using a minister of this kind, it seems that Viaticum should not be received from a heretic or schismatic as a general rule. Such procedure does not violate the divine precept to receive the Holy Eucharist in danger of death, because the possible harm to one's self, to the neighbor, and to the common good of the Church render the fulfilment of the divine precept morally impossible. Only an exceptional case in which these possibilities are not present, and when no Catholic priest is available, seems to warrant the reception of Viaticum from a non-Catholic priest.[265]
>
> In some localities schismatic priests carry Viaticum publicly to dying schismatics. In reply to questions regarding how a Catholic should act when he meets a procession of this kind, the Holy Office has said that he can and should adore the Blessed Sacrament. Several conditions were mentioned, namely, that the Catholic should avoid meeting the schismatic priest if possible, that he should adore only as the Blessed Sacrament passes, and that he should not join in the procession nor enter the schismatic church.

The footnote here reads:

> [265] Wladmir Soloviev received Communion from an Orthodox priest on his death-bed because no Catholic priest was available, Iswolsky, *Light Before Dusk*, p. 53.[141]

De la Taille also had this to say:

> Since, however, every Eucharistic communion is a profession of ecclesiastical communion between the consecrating and distributing priest and the recipient, it is usually unlawful and pernicious, AS A SCHISMATICAL AND HERETICAL ACT, to receive the Body of Christ, even though it be validly consecrated, from the hands of a schismatical or heretical priest; just as a person excommunicates himself if he receives communion from a priest who is excommunicated by name. Hence Durandus of Mende (4 D. 13, q. 1, n. 12): "Both those who consecrate the sacrament and those who receive it at their hands have it not to their salvation but to their damnation."

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[141] John Bancroft, C.SS.R., *Communication in Religious Worship with Non-Catholics* (Washington, DC: Catholic University of America Press, 1943), 114–116.

> Should, however, the sacrament, validly consecrated by a priest cut off from the Church, be reserved in every way according to Catholic prescription, it could be received and distributed in similar manner by Catholics, and in such a case the communicant would not be acting in communion with heresy or schism, but with the true Church, to which the sacrament belongs. [1]

The footnote here reads:

> [1] "The Host which has been consecrated by such priests is to be adored, and, if reserved, can be lawfully partaken of by a legitimate priest" (St. Thomas, 3 S. 82, 9, 1m); cf. St. Theodore of Studium, cited above, and St. John Damascene to be quoted later in Th. XXXVII (Vol. III).[142]

An example may be found here from the lives of St. Thomas More and St. John Fisher.

Henry VIII was excommunicated by Pope Clement VII on July 11th, 1533 for separating from his wife, Queen Catherine of Aragon, and attempting to clandestinely marry Anne Boleyn, although the Bull of excommunication was not made official until 1538 by his successor, Pope Paul III. The Parliament of England passed the Act of Succession on March 30th, 1534, the Act of Supremacy on November 3rd, 1534 and the Treasons Act on December 18th, 1534. The first declared Elizabeth, daughter of Anne Boleyn, the heir presumptive to the throne and Mary, daughter of Catherine, a bastard, and required all of the King's subjects to swear to this. The second declared that the King was "the only supreme head on Earth of the Church of England," and required all those who held any public or church office to swear to this. The third made it treason, punishable by death, to disavow the prior Acts. These Acts, to which Henry gave his royal assent, consummated his schism from the Catholic Church.

Sir Thomas More and Bishop John Fisher (later made a Cardinal shortly before his execution) both refused to swear the Oath of Supremacy. For this they were imprisoned, tried and executed for treason by beheading.

Despite their refusal to take the Oath, however, they refrained from condemning those who did. We see here a difference in attitude from those so quick to condemn those who disagree with them on the problem of the "*una cum* Mass."

Sir Thomas More said:

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[142] Maurice de la Taille, S.J., *The Mystery of Faith*, book 2, *The Sacrifice of the Church*, trans. Joseph Carroll and P. J. Dalton (London: Sheed & Ward, 1950), 400.

> I showed unto them that my purpose was not to put any fault either in the act or any man that made it, or in the oath or any man that swore it, nor to condemn the conscience of any other man. But as for myself, in good faith my conscience so moved me in the matter that though I would not deny to swear to the Succession, yet unto that oath that there was offered me, I could not swear without the jeoparding of my soul to perpetual damnation.[143]

Bishop John Fisher said:

> Not that I condemn any other men's conscience. Their conscience may save them, and mine must save me.[144]

It is especially noteworthy what William Roper, son-in-law of Sir Thomas More, said concerning that fateful day, April 13th, 1534:

> Then Sir Thomas More, as his accustomed manner was always ere he entered into any matter of importance, (as when he was first chosen of the king's privy council, when he was sent ambassador, appointed Speaker of the parliament, made Lord Chancellor, or when he took any like weighty matter upon him) to go to church and be confessed, to hear mass, and be houseled; so did he likewise in the morning early the selfsame day that he was summoned to appear before the lords at Lambeth.[145]

The priest whose Mass he heard and from whom he received Holy Communion was Blessed John Larke, rector of the parish church in Chelsea and Sir Thomas More's pastor. Although sources online claim that there is some evidence he himself took the Oath of Supremacy, this is debatable.

Rev. Thomas Stapleton says:

> Meanwhile the whole of the London clergy, pastors, doctors, and all the other priests, with some bishops, among them the Bishop of Rochester, were called in to take the oath. With the exception of the Bishop of Rochester and Doctor Wilson, every single one took the oath and subscribed his name without the slightest delay or difficulty.[146]

This would seem to include Larke in their number.

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[143] Thomas Stapleton, *The Life and Illustrious Martyrdom of Sir Thomas More*, trans. Philip Edward Hallett (Bronx, NY: Fordham University Press, 1967), 140.
[144] Thomas Edward Bridgett, C.SS.R., *Life of Blessed John Fisher, Bishop of Rochester, Cardinal of the Holy Roman Church, and Martyr under Henry VIII* (London: Burns and Oates, 1888), 250.
[145] William Roper, *The Life of Sir Thomas More* (London: Burns & Oates, 1905), 71.
[146] Thomas Stapleton, *The Life and Illustrious Martyrdom of Sir Thomas More*, trans. Philip Edward Hallett (Bronx, NY: Fordham University Press, 1967), 141.

However, Cresacre More says concerning Larke:

> Yea [More's] death so wrought in the mind of Doctor Learcke, his own parish-priest, that he, following the example of his own sheep, afterwards suffered a most famous martyrdom for the same cause of supremacy.[147]

Stapleton also says the same:

> His own parish priest, John Larke, followed the example of his distinguished parishioner and nobly suffered martyrdom, as our annals testify.[148]

Rev. Thomas Bridgett, C.Ss.R. says the same thing:

> More was fortunate in his parish priest. John Larke, whom he had appointed to the rectory of Chelsea in 1530, laid down his life rather than defile his soul with the oath of the royal supremacy, the pastor being no doubt strengthened to this noble martyrdom by the example and prayers of this leader of his flock. Both now are honoured as Blessed by the Church, having been joined together in the Decree of 29th December, 1886.[149]

Whether Larke did take the Oath or not, it is reasonable to presume that he commemorated Henry VIII in the Canon as "our King." The clause "*pro Rege nostro N.*" was in the *Te igitur* in the Sarum rite, which was used by the priests in England at this time. Thus, Sir Thomas Moore participated in a rite of divine worship during the course of which a schismatic, even one considering himself to be "the only supreme head on Earth of the Church of England," was commemorated and prayed for by name.

Finally we have a reference to Rev. Robert Parsons, S.J.'s anti-conformist manifesto, *Brief discours contayning certayne reasons why Catholiques refuse to goe to Church*, which was aimed at implementing a 1563 declaration of Pope Pius IV that Catholics should not mix with heretics.

Parsons gives nine reasons why Catholics in England refused to go to the Protestants' churches: (1) the danger of infection, (2) scandal, (3) a sign distinctive betwixt religion & religion, (4) schism, (5) participation, (6) dissimulation, (7) naughty service, (8) losing the benefit of Catholic religion and (9) example of infidels and the heretics.

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[147] Cresacre More, *The Life of Sir Thomas More* (London: William Pickering, 1828), 290.
[148] Thomas Stapleton, *The Life and Illustrious Martyrdom of Sir Thomas More*, trans. Philip Edward Hallett (Bronx, NY: Fordham University Press, 1967), 194.
[149] Thomas Edward Bridgett, C.SS.R., *Life and Writings of Sir Thomas More: Lord Chancellor of England and Martyr under Henry VIII* (London: Burns & Oates; New York: Catholic Publication Society, 1891), 143.

As this discourse is quite long, we will limit ourselves to some citations that shed greater light on the matter at hand.

Parsons in the body of the text says:

> *The first reason* why I being a Catholic in mind, may not go to the churches or service of the contrary religion, is, because I persuading myself their doctrine to be false doctrine, and consequently venomous unto the hearer, I may not venture my soul to be infected with the same. For as it is damnable for a man to kill himself, and consequently deadly sin (without just cause) to put his body in probable danger of death: so is it much more offensive to God, to put my soul ten thousand times of more value than my body, in danger to the deadly stroke of false doctrine and heresy, especially seeing I have no warrant of security or escaping, but rather I hear God crying to the contrary, *He that loveth danger shall perish in the same.*
>
> [...]
>
> Now, that a Catholic going to the churches, service, or prayers of them of the contrary religion, cannot but commit this great sin of scandal in the highest degree, that is, in all these three points before rehearsed, it is evident to all the world. For touching the first point: if he be a man of any calling, his example shall induce some other, as wife, children, friends, servants, or the like, to do the same. And howsoever he escape himself, they may be infected and so damned, and their blood laid upon his soul: but much more if he should exhort or constrain any man to do the same: as commonly many schismatics do use. And touching the second point, he cannot but offend many men's consciences: for they that do know him inwardly to be a Catholic, will think him to sin against his own conscience, and perhaps be induced to do the like. And they who know him not, must needs presume him to go of conscience, and as a favorer of that religion, and so be brought to like the better of that religion, and the worse of the Catholic, by his example. And as concerning the third and last point, there is no enemy of the Catholic religion in the world, whether he be Gentile, Turk, Jew, or heretic, but that he must both think, and speak the worse of the said religion, seeing the professors of the same, are content for worldly policy to dissemble it, and leaving their own churches, to present themselves to the churches of their open and professed enemies.
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> [...]

The third reason why a Catholic may not come to church, is, for that going or not going to the church, is made a sign now in England distinctive, betwixt religion, and religion, that is, betwixt a Catholic, and a schismatic. So that a Catholic by going thither, doth directly deny his religion. For the better understanding whereof, we must note that the professor of any religion may be known by three ways: first, by words: professing himself to be of that religion: secondly, by works, or deeds proper to that religion: thirdly, by some sign or mark appointed to signify that religion. As for example, in Italy a Jew may be known: First, by his words, if he would profess himself to be of that religion. Secondly, by works proper to Judaism, as by keeping the Saturday holy day, by circumcising his children, and the like. Thirdly, by a notorious sign appointed to distinguish that religion from all others, which is, to wear on his head a yellow cap. Now, as these three are ways to profess this religion, so if a [member] of another religion, (for example) a Christian, should yield to use any of these things, he should sin grievously, and in effect deny his faith. And as for the first, if he should profess himself to be a Jew, it is evident that he denyeth thereby his Christianity. And as for the other two ways, it cannot be denied: for the circumcising of thy children, and the wearing of a yellow cap, doth as plainly in that country tell men that thou art a Jew, as if thou didst proclaim it at the market: even as the bush at the tavern door, doth tell the goers by, that there is wine to be sold within.

But now, that the going to church is in the realm of England a plain and an apparent sign of a schismatic, that is to say, of a conformable man (as they call him) to the Protestants' proceedings: it is manifestly to be [seen]. First, by the commandment to go to Church every holy day, to hear service, and by the [meaning] of the same commandment. For (that it is the commander's meaning, by that act, as by a proper sign, to have men shew themselves conformable to that religion): it cannot be denied. For otherwise, to what end are they commanded upon such days, and at such a certain time, and for such a purpose to go thither. Again, it is proved by the exaction of this law: for when a Catholic doth come before the Commissioners, there is nothing asked of him, but when he was at church, and if he will promise to go to church, commonly they account him a sufficient conformable man, (it is to have yielded sufficiently unto them). Furthermore, the multitude of them, which have of long time abidden imprisonment, and now in greater number do for this only thing, in the sight and knowledge, not only of England, but also of all Christendom, and of the enemies of the same in the world besides, doth make this abstaining from church to be a proper and peculiar sign [of] a true Catholic, now, if it were not before: and the yielding in the same, (especially if a man be called to public trial about it) to be a flat and evident denying of God, and of his faith. For what doth make a thing to be a proper and peculiar sign, but the judgment and opinion of men? The bush of the tavern, is a sign of wine, because men commonly take it so. In like

manner the yellow bonnet of a Jew: the yellow turban, of a Turk: and the like. Even so, seeing the whole world, at this day, doth take the abstaining from Protestants' churches, to be the only external sign of a true Catholic: and seeing the Protestants themselves do make it so: also, seeing that the going to church is the contrary sign, it followeth, that if going to church were of itself before lawful, it were now made by this, a peculiar sign distinctive betwixt religion and religion, and so, utterly unlawful.

I will put an example of the primitive Church, wherein the wearing of a garland was lawful for all soldiers, until the Emperors, and the common opinion of men, had abridged it only to infidel soldiers, to distinguish them thereby, in honour, from Christian soldiers. And then, after that (as Tertullian proveth) it was no longer lawful for Christian soldiers to wear them, for that the wearing thereof, was a denial of the Christian faith. Whereupon, we read that a certain Christian soldier offered himself rather to suffer death, than to wear one of them: as appeareth in the same book of Tertullian. But now, much more is the thing unlawful in our case. For that the going to the Protestants' churches (which a Catholic must presume to be heretical) was never a thing of itself lawful, (as I will hereafter prove) which the wearing of a garland was: and therefore much less now to be tolerated, seeing besides this, it is also made a sign distinctive as I have already proved.

[...]

But now that this act of going to the Protestants' churches and prayers, is a schismatical act, and such a one, as divideth from the unity of the Church: it is easy to be proved for that schism is, according to Saint Augustine to St. Austen, *A separation of them that think the same thing.* That is, a different kind of service of God in those men that do not differ in opinion in religion. The which thing, he expresseth more plainly in another place, putting the difference betwixt heretics and [schismatics], saying, *Schismatics are made, not by difference in faith, or belief, but by the breaking of the society, or unity of Communion.* Now, the Communion or unity of the Church, consisteth in these three things: to wit, that all Christians have one sacrifice: one and the self same [Sacraments]: also one and the self same service of God. But they which go to the Protestants' churches, have no sacrifice at all: neither have they any more than two of seven Sacraments: and those two also so mangled, that of the two, scarce one is a Sacrament, as they use them. And as for their service, it hath no part of the Catholic service, as I will shew hereafter. He therefore, that goeth to this service, and willingly seperateth himself from the Catholic service and Communion, breaketh the unity of Communion of the Church, and consequently, committeth schism.

[...]

Besides this, to prove it schism, yea, and that obstinate and rebellious schism, it were sufficient to know that the meaning, will, and commandment, of the general and universal Catholic Church at this day, is, that Catholic men should not present themselves to Protestants' churches, or conventicles, seeing they are denounced open enemies to the aforesaid Church, and their religion hath been as orderly condemned in the last general Council of Trent, as the doctrine of Arius was, in the first general Council of Nice. And albeit the Council of Trent made no particular decree of this matter, yet is there no cause, why any man should take any hold thereat: seeing the reason thereof was because such a decree was needless: for the Church having already condemned from the beginning all praying with heretics, or repairing to their conventicles: it was sufficient for the Council only to condemn the Protestants for such men, without any further particular prohibiting of others to come to their churches, and service, seeing their conventicles being once pronounced to be heretical, the other was to be presupposed. And this is the true meaning of the Council, whatsoever others say, to shadow their imperfections.

[...]

The fifth reason, wherefore a Catholic may not go to the church of those of the contrary religion, is, for fear lest his presence may be interpreted by God to be consent unto their doing: and so he be made partaker of their punishment. Concerning which we must understand, that of all the enemies that God hath in this world, there is none in so high displeasure with him, as he who once knowing the truth, and being received into his house (the Catholic Church) runneth out again, and by new devised doctrines, vexeth and molesteth the same, being not only the house (as I have said) of Christ, but also his spouse, nay, his own body. Which sort of men, the Scripture calleth, heretics: whose curse and reprobation in this life, is more grievous than any other sin whatsoever: and the damnation for the time to come more intolerable.

[...]

This therefore being so, that the deep displeasure of God, and His heavy hand hangeth more over the heads of heretics and schismatics, than over any other people in the world: it is no small danger, for a man to join himself with them, especially in the act, wherein principally they offend God: which is, in their assemblies, services, false teachings and preachings: at which

times God His curse is like most abundantly to descend upon them, and upon those also that do assist them. For as St. Paul saith, *They are worthy of death, not only that do evil, but they also which do consent unto them*. And that thou mayst not excuse thyself, and say: *I am there in body, but I consent not to them in heart*: St. John expresseth farther, what it is to consent unto them, or to communicate with them in their works, saying. *He that saith as much as God speed them doth communicate (or participate) with them in their naughty works*. Which thing the Prophet David knew well, and therefore said, that he would not so much as sit down with such men, and objecteth the contrary fault to a wicked man, saying, *When thou sawest a thief thou wast content to run with him*: He doth not accuse him, you see, for stealing with him, but for going or running with him, and for keeping him company, albeit he consented not to his robbery. And Saint Paul commanded Timothy, not to consent to Alexander the heretic, but to avoid him. Likewise, he commanded the Romans, not to consent to other such [?] fellows, but to decline or turn away from them. Finally, Saint Paul's words are general and plain of all such men, when he saith, *Hereticum hominem devita*. Avoid an heretical man: he saith not, go to Church with him, but believe him not, or consent not to him in thy heart. This is our interpretation foisted in, thereby to bolster up our own dissimulation, wherein we presume farther, than we shall be able one day to justify: as that foolish prophet did, which being sent to preach in schismatical Samaria (but not to eat with them) ventured farther than his commission, and by persuasion did eat with one, who said himself to be as good a prophet of God as the other (as the Protestants do say themselves to be good Catholics) but this venturous prophet was slain by God for his labor.

It is very perilous to be amongst the enemies of God. If Lot he had stayed but two hours longer in Sodom, he had died with the rest. The terrible death of all them which were in company with those three rebellious schismatics, Chore, Dathan, & Abiron, ought to move us much: of which number, it is to be thought, many were simple and ignorant men and had little part of the malice and naughty meaning, of their ringleaders: but yet for company's sake, all perished together. The which example, St. Cyprian applieth to our purpose, asking of us, if these men so perished for being only in company with those schismatics? *Are not we afraid to be much more punished (saith he) assisting and furthering (by our presence) heretical oblations, prayers, sermons, and errors?*

[...]

The sixth cause, why a Catholic may not come to church, is, because he cannot come without dissimulation. The which, in matters of conscience and religion, is treachery to God Almighty,

and a very dangerous matter. For as the worthy Father St. Ambrose saith, *It may be lawful sometimes in a money matter, to hold thy peace, but in God's cause, where there is danger in communicating with his enemies, to dissemble only, is no small sin.* The reason whereof, is that sore saying of Christ's own mouth, *He that is not with me, is against me.* As though he had said. He that dissembleth, & knowing me and my cause to be oppressed, holdeth his peace, & defendeth me not, I will hold him in the number of my enemies, that are against me. According to the which rule of Christ, St. John (which well knew the inward & secret meaning of Christ), speaking of certain noblemen and gentlemen of Jewry (*the which did believe in Christ, but durst not confess him openly for fear of the Jews*), condemneth them of a great & damnable mortal sin against the first commandment, for the same: saying, that by this act, they shewed that they loved the glory of men, more than the glory of God. By the which example, we see, wilfully dishonour God, and consequently commit damnable treason against him, when we do for any fear or other temporal respect, dissemble our faith, and hold our peace against our consciences.

[...]

The seventh reason, why a Catholic may not yield to come to the Protestants' churches is, because the service which they use, is naught and dishonorable to God, and therefore, no man can come to it, or hear it, or seem to allow of it by his presence, without great offense to God. Neither is it sufficient to say (as commonly they use to say to beguile simple people withal) that it is the Scripture, taken out of the Gospels, Epistles, Psalms, and the like. For by that argument, the Jews' service were good at this day, which is taken out of the Old Testament: and all heretics' service that ever was, seemed to be nothing but Scriptures. For, as St. Austen in divers places noteth, it was always the fashion of heretics to have Scripture in their mouth, & to cleave only to Scriptures, and to refuse traditions as inventions of men. And we read of the Arian heretics, how they were wont to sing Psalms in the streets of Constantinople, thereby to allure the people to them. And yet we may not say, that their service was good: like as we cannot say that the Devil's talk was good with Christ albeit it were decked with allegation of Scripture, and other sweet words. Although therefore their service be full of Scripture, it is no good argument that it is therefore infallible good. For as St. Jerome saith of all heretics, *Whatsoever they speak, or think that they do speak in the praise of God, it is the howling of wolves, & the bellowing noise of mad bullocks*: the reason whereof is that, which the scholar of the Apostles St. Ignatius saith, *No man can call him good, or say he doth well, that doth mingle evil with good.* Wherefore St. Augustine saith of the Donatists, schismatics, and heretics, of his time, that albeit they did sound out *Alleluia* with as lusty a voice as the Catholics did, and in

many things else did agree in service with them (more than now the Protestants do with us) yet their service was impious, and availed them nothing. And a little after, upon the words of God, uttered by the Prophet, saying, *In many things they were with me,* &c. St. Austin saith thus, *God granteth that heretics in many things are with him, as in Sacraments, ceremonies, and the like: but yet for all that they are not with me, (saith God) in all things. For in that they are in schism, they are not with me: in that they are in heresy, they are not with me: and therefore, for these few things in the which they are not with me, those other many things in the which they are with me, shall profit them nothing*. To come nearer to our purpose, their own Apostle, and second Elias (as they [call] him) Luther, comdemneth all their whole service, for the denying only of the real presence, saying, *The Sacramentaries do in vain believe in God the Father, in God the Son, and in the Holy Ghost, and in Christ our Savior: all this doth avail them nothing, seeing they do deny this one article, as false, of the real presence. Whereas Christ doth say, This is my body.* Lo here this prophet with the same spirit wherewith he condemneth the Popes, he condemneth the Protestants, why should we believe him more in the one, than in the other?

[...]

First the scripture is read there in false and shameless translations, containing manifest and willful corruptions, to draw it to their own purposes, as hath been shewed in particular, by many learned men in their works: and is like to be (shortly) more plainly by the grace of God. [...] The Scripture therefore, being read there, in false translations, it must needs seem to be false, which is blasphemous against the Holy Ghost the inditer of them. So that by this, it appeareth, that, that part of their service which they pretend to be Scripture, is no Scripture, because it is by the malice of the interpreter false, the which Scripture can not be.

Secondly, the service that Christians ought only to go to, should be said, as also the Sacraments administered, by priests and such as have received the Sacrament of Holy Orders, as all the general Councils and Fathers of the Church, shew unto us. And St. Paul when he saith, *That no man may take unto him this honor, but he that is called as Aaron was.* Wherefore the same Paul adviseth the Bishop Timothy, not to give this dignity unto any man but upon great consideration, saying, *Do not lay thy hands rashly upon any man.* But now that either all, or the most part of ministers of England, be mere laymen, and no priests, and consequently have no authority in these things, it is evident for many causes: as well for that they have not received the under Orders, which they should have done before [?], (as appeareth by the ancient Council of Carthage, wherein Saint Augustine was himself) and by all the Fathers both before and since: as also because they are not ordained by such a Bishop and priest, as the Catholic

Church hath put in that authority: which admitteth no man for Bishop, which is not ordained by imposition of three or two Catholic Bishops hands at the least. Of all which things none are to be found amongst the Protestants.

Thirdly, their service is naught, because they have divers false, and blasphemous things therein: and that which is yet worse, they so place those things, as they may seem to the simple, to be very Scripture. As for example, in the end of a certain Genoa Psalm, they pray to God to keep them, from Pope, Turks, and Papistry, which is blasphemous.

First, for joining the supreme minister and substitute of Christ, with the known and professed enemy of Christ, and speaking so contumeliously of him, of whom all antiquity in Christ his Church, hath thought, and spoken so reverently, calling him, *The high priest of the Church, the Bishop of the Universal Church, the Pastor of the Church, the judge of matters of faith, the repurger of heresies, the examiner of all Bishops' causes, and finally the great priest, in obeying whom all unity consisteth, and by disobeying of whom, all heresies and schisms arise.* Secondly, it is blasphemous, for that they pray to be delivered from Papistry: meaning thereby, the Catholic and only true religion, by the which all men are to be saved. Thirdly, because they sing it, and make other simple men to sing it, in the beginning of sermons, and otherwise: as though it were Scripture itself, and one of David's Psalms. Fourthly, albeit the Protestants service had not all this evil in it, as it hath: yet were it naught, because it hath not in it, those good things which Christian service should have. For service may be evil, as well for having too little, as for having too much. As the service of the Arians was, for singing, Glory to the Father, and not singing the same to the Son; and as if a man should recite his Creed, and leave out one article (as in effect the Protestants do the article of descension into hell) all the whole Creed were naught thereby. Now, how many things do want in the Protestants' service, which should be in Christian service, it were too long in every point to rehearse: yet will I (for example's sake) name two or three things. First therefore, they have left out the chiefest, and highest things of all: which is the blessed [Sacrifice] of Christ His Body and Blood appointed by Christ, to be offered up every day for thanksgiving to God, for obtaining of grace, and avoiding of all evil, and for the remission of sins both of quick and dead: as with one consent the Fathers of the Primitive Church do affirm. The which Sacrifice being away, no Christian service can be said to be there: For so much as, for this cause were ordained priests, neither can there any be called Priest but in respect of this Sacrifice: Also in respect of this sacrifice were Christian Churches called temples, for this Sacrifice were made Altars: for an Altar is the place of Sacrifice, even as an armory is the place where armor is. For this Sacrifice was Priests apparel made: Vestments, Censors, Frankincense, and the like, in the Primitive Church. Whereof all the Fathers,

> Councils, and histories do speak so much. The second thing, which the Protestants' service leaveth out, is, no less than six, of the seven Sacraments, which the Catholic service of God doth use: (for as for their communion it can be no Sacrament as they do use it.) The commodity of which Sacraments, in the Church Saint Augustine saith, *That it is greater, than can be expressed, and therefore the contempt of them is no less than sacrilege, because (saith he), that can not be contemned without impiety, without the help of which, no man can have piety.* And for this cause in another place he saith, *That the contemnors of visible Sacraments, can by no means, invisibly be sanctified.* The third thing that the Protestants' service leaveth out, is, all the ceremonies of the Catholic Church, of the which the old ancient Fathers and Councils do say these three things. First, that they are to be had in great reverence, and to be contemned of no man. Secondly, that they are to be learned by Tradition, and that many of them are received by the Tradition of the Apostles. Lastly, that they which do either condemn, despise, or willfully omit these ceremonies, are excommunicated. I might here add many other things, as leaving out prayers for the dead, being (as the Fathers hold) one of the chiefest functions of a Priest. Also for having their service in another order & language than the universal Church useth: but this is sufficient. For if they leave out of their service, both Sacrifice, Sacraments, and all ecclesiastical ceremonies: I know not what good thing they have left, besides a few bare words of Scripture, evil translated, and worse applied, which they read there. Seeing therefore their service is such, it is a sufficient cause to make all Catholics to avoid it.

The last two reasons are that going to Protestant churches makes one a schismatic and an excommunicate, deprives one of the graces deriving from the Sacrifice and the Sacraments (which the Protestants lack), and that all heretics and infidels avoid the services of the contrary religion, which conduct Catholics ought to imitate if they have any conviction in the truth of their own religion.[150]

All of this being considered, we may now understand what Cardinal William Allen said concerning attendance at Protestant services, according to Rev. Henry Bowden:

> Never teach nor defend the lawfulness of communicating with the Protestants in their prayers, or services, or conventicles where they meet to minister their untrue sacraments; for this is contrary to the practice of the Church and the holy fathers of all ages, who never communicated nor allowed in any Catholic person to pray together with Arians, Donatists, or what other soever. Neither is it a positive law of the Church, and therefore dispensable on

[150] Robert Persons, S.J. [published as "I.H."], *A Brief Discours Contayning Certayne Reasons Why Catholiques Refuse to Goe to Church* (Imprinted at Doway [i.e. East Ham]: By Iohn Lyon [i.e. Greenstreet House Press], 1580), Early English Books Online.

> occasions, but it is forbidden by God's Eternal Law, as by many evident arguments I could convince, and it hath been largely proved in sundry treatises in our own tongue, and we have practised it from the beginning of our miseries. And lest any of my brethren should distrust my judgment, or be not satisfied by the proofs adduced, or myself be beguiled therein in my own conceit, I have not only taken the opinion of learned divines here, but, to make sure, I have asked the judgment of His Holiness (Clement VIII) thereon. And he expressly said that participation in prayers with Protestants, or going to their services was neither lawful nor dispensable.[151]

There is obviously a great difference between the traditional Latin Masses said by the "resistance" clergy and the services being described above by Parsons and Allen. In addition, the Church commanded the Catholics of England to have nothing to do with the Protestants in matters of divine worship, and excommunicated those who disobeyed.

The "resistance" clergy, as we have already said, are Catholics, not Protestants, so there is no equivalence between our case and that of the Anglican schism, just as we said with regard to the Acacian schism and the schism occasioned by the Civil Constitution of the Clergy.

Conclusion

Mr. John Daly once said:

> Don't get me wrong. I understand exactly why many sedevacantist priests don't want their faithful to go to the Masses of local Benedict-following priests and are hunting for theological proof to make their understandable preference into a duty. The danger of perversion is often real. The duty of bearing public witness to grave truth is also real. Loyalty to priests who have made immense sacrifices for the truth and who are daily calumniated is also a factor. That is why these motives should be put forward frankly and discussed, not hidden behind a barrage of weak pseudo-theological arguments which is all we are being offered so far.[152]

Although cases could be envisioned in which a Catholic would be obliged to avoid another Catholic in matters of divine worship, it cannot be said that in all cases are they obliged to avoid Masses during the

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[151] Henry Sebastian Bowden, Cong. Orat., *Mementoes of the English Martyrs and Confessors: For Every Day in the Year* (London: Burns & Oates, 1910), 303.

[152] John Daly, "Sede Religious Orders & Una Cum Discussion," St. Robert Bellarmine Forum (online forum), June 9, 2006.

course of which the celebrant prays for Prevost and the local Conciliar bishop as "Thy servant, our Pope Leo" and "our Bishop," respectively. It is up to the prudent estimation of the faithful to determine if the circumstances warrant dissimulation, permitting others to take scandal, as well as material cooperation in the wrongdoing of others. No absolute prohibition has been issued by any competent authority against communicating *in sacris* with sedeplenist clergy, nor have they been condemned by name or declared excommunicated as ones to be avoided, nor have they given their names to a non-Catholic sect known and condemned as such by the authority of the Church, nor are they (in all cases) commissioned by a false sect to act in its name as its ministers.

We will end with a quote from Bp. Guérard des Lauriers, O.P. who we believe to have been right in saying:

> Those who brandish anathamas by demanding the conditions of a false orthodoxy based on excessive legalism be fulfilled, while paying no heed to the needs of the faithful which this arbitrary intransigence deprives of sacraments, are no authentic witnesses to the Faith. They proclaim the form of "Misereor super SACRIFICIUM" but do not practice it in their lives. And in the last analysis, at least objectively, and perhaps in defense of their own cliques, they go on as if they were totally ignorant of the "Misereor super turbam."
>
> Those who submerge every doctrinal norm under the satanic slogan "we must change nothing" are not authentic witnesses to the Faith. Nor are those who flock to every location where the traditional form of worship is established in order to recruit partisans; who attack those who, because they have no alternatives, assist at a Mass which is said "una cum Wojtyla" and declare that such are guilty of sacrilege—at least objectively, and who then, in one way or another, induce said partisans who become fanatically faithful followers to nourish attitudes of duplicity in themselves every time they participate in the most sacred of realities. Such sectarians are not authentic witnesses to the Faith because they are not pure reflections of the Witness who is the Truth (John XIV, 6). They refer to Miserior super turbam; but they are ignorant of the repercussions and the profound demands [of this concept] because in their lives and in reality they have profaned the OBLATIO MUNDA, and in so doing demonstrate concretely and essentially that they are, to say the least, strangers to "Misereor super SACRIFICIUM." (A)
>
> There are then two Misereors which are immanent in the Church militant just as there are two commandments. "Misereor super SACRIFICIUM", and "Misereor super turbam." In the present state of privation in which the Church militant finds itself, these two Misereors are

> immediately affected and their essential unity made tragically and fearfully clear. Whosoever concretely and in their daily life ignores one of them, in reality sees neither.[153]

Truth and charity, symbolized by the dual witness of St. Hypathius and St. Thomas More, are what must guide us in this unprecedented crisis of Faith and Authority. "I will shew thee, O man, what is good, and what the Lord requireth of thee: Verily, to do judgment, and to love mercy, and to walk solicitous with thy God," said the Lord through the Prophet Micheas.

St. Hypathius said:

> From the moment I began to hear him speaking impiously about my Lord, I no longer communicate with him, nor do I allow his name to be mentioned during the Sacred Rites: for he is not a Bishop. [...] Do what you wish, I am prepared to suffer anything: I did this with a clear mind.

St. Thomas More said:

> Many things every man learned wotteth well there are, in which every man is at liberty without peril of damnation to think which way him list till the one part be determined for necessary to be believed by a general council, and I am not he that take upon me to define or determine of what kind or nature every thing is that the oath containeth, nor am so bold or presumptuous to blame or dispraise the conscience of other men, their truth nor their learning neither, nor I meddle with no man but of myself, nor of no man's conscience else will I meddle but of mine own. And in mine own conscience, I cry God mercy, I find of mine own life, matters enough to think on.[154]

We submit these considerations to the judgement of the competent authority, viz. to the Apostolic See, which we hope to one day see again occupied by a baptized Catholic man properly disposed to receive the habitual communication of Christ's "Being-With." If any errors are present in this article, we wish to have them pointed out to us so that they may be corrected.

Sancte Hypati Bithyniæ et Sancte Thoma More, orate pro nobis!

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[153] Michel-Louis Guérard des Lauriers, O.P., "In Memoriam: Monseigneur Peter Martin Ngo-Dinh-Thuc," trans. R.P.C., *Catholic* 7, no. 8 (August 1, 2002), ed. Jacobus Maria DeJesus, C.M.F., D.D.

[154] Thomas More, *The Last Letters of Blessed Thomas More*, intro. Cardinal Gasquet, ed. W. E. Campbell (Roehampton: Manresa Press, 1924), 86–87.